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Coordinating Human Rights Compliance

Kate Tipton Martin
University of Colorado at Boulder, ktmartin709@gmail.com

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By

Kate Tipton Martin

B.A., Baker University, 2005

M.A., University of Colorado, 2008

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Martin, Kate Tipton (Ph.D., Political Science)

Coordinating Human Rights Compliance

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After the September 11, 2001 terrorist attacks, accusations have been leveled against the United States, and specifically the CIA, for rendering hundreds of people suspected by the US government of being terrorists (or of aiding and abetting terrorist organizations) to third-party states such as Egypt, Jordan, Morocco, and Uzbekistan. Critics have accused the CIA of rendering suspects to other countries in order to avoid US laws mandating due process and prohibiting torture, even though many of those countries have, like the US, signed or ratified the United Nations Convention Against Torture. This process is referred to as ``extraordinary rendition''. It was this recent incident of a coordinated effort to commit human rights violations that inspired my dissertation topic.

My dissertation looks at human rights violations as being the result of the coordinated efforts of multiple countries to avoid detection and punishment. I utilize game theory to develop a formal model that produces predications that the interaction between potential human rights violators and human rights adjudication bodies revolves around states decisions to coordinate their violation behavior. The first empirical chapter illustrates that states coordinate their violations so as to diminish the likelihood of detection and/or punishment. The second shows that violators who coordinate their violations with other states, especially powerful ones, are more likely to receive a judgment in their favor than violators with fewer and/or weaker allies. The final empirical chapter looks at victims' decisions over whether to bring their complaint before the adjudication body. The central finding is that coordinated efforts make it significantly less likely that cases will ever be heard at the international level. I use the UN's International Convention on Civil and Political Rights to frame the context of the analysis.

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CHAPTER 1: INTRODUCTION

In December 2010 a Tunisian street vendor engaged in an act of self-immolation that would prove to be the spark that set the Arab world on fire. Throughout 2011 to the present, the events of the Arab Spring continue to unfold. Many have puzzled over the means by which this string of social movements and revolutions have occurred, pointing to social media as facilitating the spread of this revolutionary fervor. Perhaps equally puzzling is the fact that the governments threatened by these revolutions have, seemingly, failed to learn from the failures of their counterparts, continuing to use militaristic responses and violence to abuse the human rights of those rallying against them, despite the relative failure of these mechanisms to bring about the downfall in countries that experienced revolutions before them. Watching this course of events unfold, one must wonder: are these states emulating the behavior of their peers because, even though overthrow at the domestic level may be inevitable, they may be less prone to formal prosecution and punishment if they band together? After all, with the exception of Libya and Egypt, leaders deposed in the Arab Spring are free, if in exile, with no charges against them at the international level. We must ask if governments not faced with overthrow at the domestic level also choose such tactics in an effort to minimize the risk of international recognition of their violations and the punishment that could follow.

Despite the existence of a vast number of international institutions which purport to deal with human rights issues and the great number of states which have committed to these institutions, Amnesty International reported human rights violations in 151 countries and territories in 2003. Decision-makers sign on to these agreements, but sometimes choose not to comply with them. What affects actors' cost-benefit analysis when deciding whether or not to comply with human rights agreements? Actors may choose to consider the normative effects that their actions will have on the domestic audience and their international reputation. Furthermore, actors are likely to consider the material costs and benefits of their compliance record. They may also be concerned with their ability to

retain power domestically as a result of these same reputational and material costs. However, it also seems likely that when actors decide to commit human rights violations, they look to the behavior of other states in the system with a mind to try to coordinate their behavior.

FORMULATING THE RESEARCH QUESTION

It seems that the most appropriate way to gain a better understanding of states' international human rights behavior is to start with the question of why some states *don't* violate human rights. This may seem to be a counterintuitive way to approach the topic due to the fact that international laws against human rights violations have existed for over 60 years, but the fact of the matter is that a vast majority of states *do* commit human rights violations each year, the events of the Arab Spring notwithstanding. Figure 1.1, below, illustrates that aside from a drop in the overall rate of violations during the third wave of democracy in the early 1990s, the percentage of countries showing respect for human rights is very low in all regions aside from Europe (due to its relatively low rate of violations over time), and that the rate of showing respect has actually increased in the last thirty years for both civil and political and physical integrity rights only in Asia. This clashes directly with the increase in the number of international organizations working to prevent human rights violations.

However, this increase in the rate of human rights violations in the world is not surprising when one looks at the current set-up for international institutions meant to prevent the occurrence of violations. Getting away with human rights violations is quite common. So, if a strategy exists for state governments to be able to better consolidate domestic power and there are very few costs at the international level for those who employ said strategy, why wouldn't we expect to see a large number of states using it? The answer I propose, put quite simply, is that states that refrain from committing human rights violations do so because their ``friends'' aren't committing them either. The tables below illustrate that states tend to violate human rights in clusters as well as respect human rights in clusters.

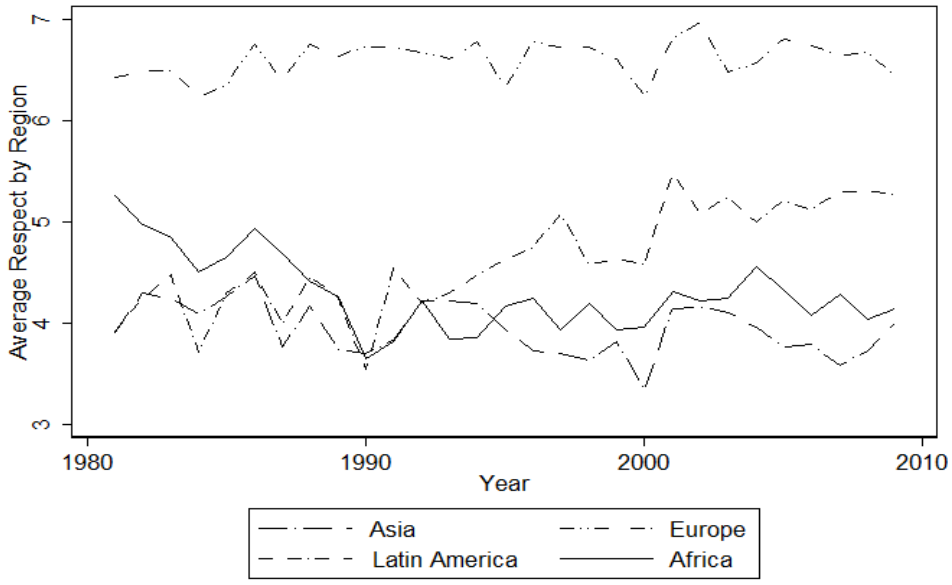


Figure 1.1 Clustering of Human Rights Respect By Region

Table 1.1 shows the percentage of country-years across three categories of regime type in which physical integrity rights violations are occurring to any degree, as measured in the Cingranelli-Richards Human Rights Project dataset. Physical integrity rights are the rights to be protected from political imprisonment, torture, killing, and disappearance. Here, I break regime type into categories based on states' scores in the Polity IV dataset. I code states as democracies if they received a score of five or higher, as autocracies if they received a -5 or lower, and as anocracies if they fell between -4 and 4. The time component in the table illustrates an important observation. Within each regime type, the number of states violating physical integrity rights tends to increase over time. This trend leads us to the possible conclusion that states are observing the behavior of their fellow states, whom they may label as ``peers'', and base their decisions over their own human rights behavior on these observations. We must also note that the magnitude of improvements we see over time are much smaller than the magnitude of decreases in respect for human rights that we see over time.

Year	Autocracy	Anocracy	Democracy
1981-1985	94	90	53
1986-1990	98	95	62
1991-1995	99	93	73
1996-2000	98	99	80

Table 1.1 Physical Integrity Rights Violations: By Regime Type, 1981-2000

Table 1.2 illustrates that the same trend is present for civil and political rights violations based on regime type over time. However, there is a noticeable difference between country-year violation rates in the physical integrity rights table above and the civil and political rights table below and this is that the variation over time is lower. While anocracies and democracies experience a large jump in violation rates between the late eighties and the early nineties, we can likely attribute this to what Samuel Huntington (1993) referred to as the ``third wave'' of democracy in which states without a history of democratic culture transitioned to democracy. We see this same jump in the rate of physical integrity rights violations in democracies in Table 1.1, above. Despite these large jumps in rights violations during the third wave, Table 1.2 below shows that states' rates of violation tend to increase over time.

Year	Autocracy	Anocracy	Democracy
1981-1985	100	94	62
1986-1990	100	95	64
1991-1995	100	100	78
1996-2000	100	100	76

Table 1.2: Civil and Political Rights Violations: By Regime Type, 1981-2000

Noticing a connection between regime type and violation rates is not novel. Scholars have, for years, emphasized that the relationship between regime type and human rights violations is an important one. Many of the underlying principles of democracy outline what state behavior in the realm of human rights should look like and these principles are underscored in the two tables above. Democracies, while perhaps not as well behaved as one might expect, show consistently better behavior in their human rights behavior than do anocracies or autocracies. Thus, in order to better illustrate that states do seem to look to the behavior of their peers where compliance with *all types* of human rights

violations are concerned, a different lens needs to be used. Looking at human rights behavior over time within regional groups in a bit more detail than Figure 1.1 provides will help us to determine whether a trend truly exists. Tables 1.3 and 1.4 separate the data used to generate Figure 1.1, above, in an effort to look at whether the rate at which clustering occurs at the regional level is affected by the type of human rights violations being considered.

Table 1.3 shows trends within geographic regions over time with regard to physical integrity rights violations. Here, just as we saw with the regime type tables, we see that the violation rates within each region tend to stay relatively similar over time or increase. A notable exception here is North America, which consists only of Canada and the United States in this context. Because the region includes only two countries, a large degree of fluctuation in the percentage of violation years is expected. The other regions, however, show general upward trends in the percentage of country-years in violations are occurring. This upward trend continues even into the late 1990s, illustrating that the third wave of democracy is not the driving factor.

Year	Asia	Europe	Africa	Latin America	North America	Oceania
1981-1985	90	49	90	89	40	6
1986-1990	90	48	98	90	33	58
1991-1995	92	55	96	94	70	45
1996-2000	98	62	98	96	70	74

Table 1.3: Physical Integrity Rights Violations: By Neighborhood, 1981-2000

Table 1.4 depicts the same information presented in Table 1.3 for civil and political rights. Here, again, we see a high level of fluctuation in the violation rate for North America, which is to be expected for the reasons explained above. We also see violation rates within regions tend to either stay relatively constant or increase over time. Oceania clearly demonstrates a dramatic increase in the percentage of country-year violations over time, while Europe experienced a slightly less drastic increase over time. Latin America, Asia, and Africa all experienced relatively constant rates of civil and political rights violations over time.

Year	Asia	Europe	Africa	Latin America	North America	Oceania
1981-1985	96	59	95	87	60	41
1986-1990	97	57	97	84	0	42
1991-1995	97	66	98	87	20	60
1996-2000	96	64	98	85	0	75

Table 1.4: Civil and Political Rights Violations: By Neighborhood, 1981-2000

The data presented in Tables 1.1 through 1.4 highlight the need to reframe the question from above. Rather than quibble over whether the more appropriate question is why states *do* or *do not* violate human rights, I submit that the most important question to answer is: why does the rate of human rights violations tend to snowball within relevant peer groups over time? When groups decrease their violation rates, they do so to a *very* small degree. However, for the most part, we tend to see *increases* in the rates of violation amongst groups. How can we most accurately characterize the group dynamic that leads to group-based increases in human rights violations? There is a notable case that might help explicate how this process plays out. I discuss it below.

What Might Coordinated Action Look Like?

After the September 11, 2001 terrorist attacks, accusations have been leveled against the United States, and specifically the CIA, for rendering hundreds of people suspected by the US government of being terrorists (or of aiding and abetting terrorist organizations) to third-party states such as Egypt, Jordan, Morocco, and Uzbekistan. Critics have accused the CIA of rendering suspects to other countries in order to avoid US laws mandating due process and prohibiting torture, even though many of those countries have, like the US, signed or ratified the United Nations Convention Against Torture. This process is referred to as ``extraordinary rendition''. In 2005, the Washington Post and Human Rights Watch (HRW) published evidence regarding CIA flights and ``black sites'', covert prisons that are operated by the CIA and whose existence had been denied by the US government (Whitlock, 2005*a, b)*. It has also been reported that on October 4, 2001, a secret arrangement was made in Brussels by all members of NATO. Lord George Robertson, then British defense secretary and later NATO's

secretary-general, explained in an interview after the fact that NATO members agreed to provide ``blanket overflight clearances for the United States and other allies' aircraft for military flights related to operations against terrorism'' (Grey, 2007).

Both the Council of Europe and the European Parliament engaged in investigations of US practices of extraordinary rendition and the operation of so-called ``black sites'' in Europe. The Parliamentary Assembly of the Council of Europe (PACE) accused the United States of engaging in acts of disappearances, secret detentions and unlawful interstate transfers and called for EU regulations governing foreign intelligence services operating in Europe. Further, PACE demanded ``human rights clauses'' in military base agreements with the USA. In a resolution passed on February 14, 2007 Members of the European Parliament approved by a large majority (382 voting in favor, 256 against and 74 abstaining) their committee's final report, which criticized the rendition program and concluded that many European countries tolerated illegal CIA activities including secret flights over their territories. The countries named were: Austria, Belgium, Cyprus, Denmark, Germany, Greece, Ireland, Italy, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom.

The administration of George W. Bush freely admitted to using the practice of extraordinary rendition, but qualified its decision to do so, stating that they had specifically asked that torture not be used. However, torture can still occur despite these provisions and much documentation exists from organizations such as Human Rights Watch and Amnesty International alleging that it has happened in many cases. In these instances, the US is argued to have allowed for the possibility of torture by releasing the prisoner into the custody of states that practice torture. Since 2001, the CIA has allegedly captured about 3,000 people and transported them around the world (Horton, 2009), and known torture sites such as the Guantanamo prison camp for terrorists in Guantanamo Bay, Cuba are slated to stay open ``indefinitely''.

The multiple cases of extraordinary rendition practiced by the CIA with US government support illustrate the concerted effort by one government to coordinate human rights violations across multiple countries, many of which are and were members of the 1987 UN Convention Against Torture. Further, it illustrates the US' ex ante perception that the reputational costs of such actions would be low if it coordinated its behavior with the states receiving its prisoners due to the fact that it would feasibly be able to defend its actions by saying that they ``specifically asked that torture not be used'' and that, while it may have to pay these low reputational costs at some point in the future, it would, in the meantime, receive the material benefits associated with the detention of alleged terrorists. These coordinated actions not only provide a hint at US logic, but also that of international courts. International organizations such as PACE and the European Parliament brought cases, and later, decisions, against the US' use of extraordinary rendition, but are unable to punish any states that are not members of the European Union. While many EU member states are conducting investigations in order to determine the level of responsibility they have toward victims of extraordinary rendition, only Italy and Sweden have imprisoned those responsible and only Sweden has paid damages to victims.

The events surrounding practices such as extraordinary rendition beg the question, do states habitually make attempts to coordinate their human rights behavior? The US practice of extraordinary rendition is not the only example of states coordinating their human rights behavior. Another noteworthy case of such coordination took place in 1975 when states in the Southern Cone of South America, including Argentina, Uruguay, Paraguay, Bolivia, Brazil, and Chile (with the US serving in an advisory capacity), implemented Operation Condor. This was a coordinated effort by Southern Cone governments to eradicate alleged socialist and communist influence and ideas and to control active or potential opposition movements against the participating governments. It was a campaign of political repression involving assassination and intelligence operations which resulted in a minimum of 60,000 deaths, possibly more. Punishment for these crimes has been largely incomplete and to the extent that

it has occurred, it has taken (for the most part) more than ten years after the crimes were committed for trials to occur.

Looking for the Answer

Tables 1.1 through 1.4 illustrate in a slightly more complex way what Figure 1.1 depicts - more states commit human rights violations than do not. Because such a high rate of human rights violations occur every year, it is difficult to decisively determine from the tables above whether the dynamics of these violations are truly driven by coordinated efforts or if they are simply driven by the lack of a strong punishment mechanism at either the domestic or international level. Overwhelmingly, the human rights compliance literature has highlighted the weakness of international institutions and their abilities to prevent and/or punish human rights violations. Further, in light of the weakness of international human rights enforcement mechanisms, the literature has focused on the necessity of strong domestic punishment mechanisms in order to punish and, in the future, prevent occurrences of these violations.

If domestic punishment capabilities are the only barrier that exists between state compliance and defection from human rights treaties, we should see a decrease in domestic punishment capabilities that happens in tandem with the increase in the rates of human rights violations. Using the Cingranelli-Richards Human Rights Database measure for judicial independence, which ranges from 0 (indicating that the state's judiciary is *not* independent) to 2 (indicating that the judiciary *is* independent for the most part), Figure 1.2, below, shows that this is *not* the case. The number of states that have an independent judiciary, which in theory should be capable of prosecuting human rights violations domestically, has not varied to the same degree that the violation rates of either empowerment or physical integrity rights have varied. The violation rates have increased, while the number of states capable of punishing these violations domestically has not changed to a great degree, especially in the last twenty years.

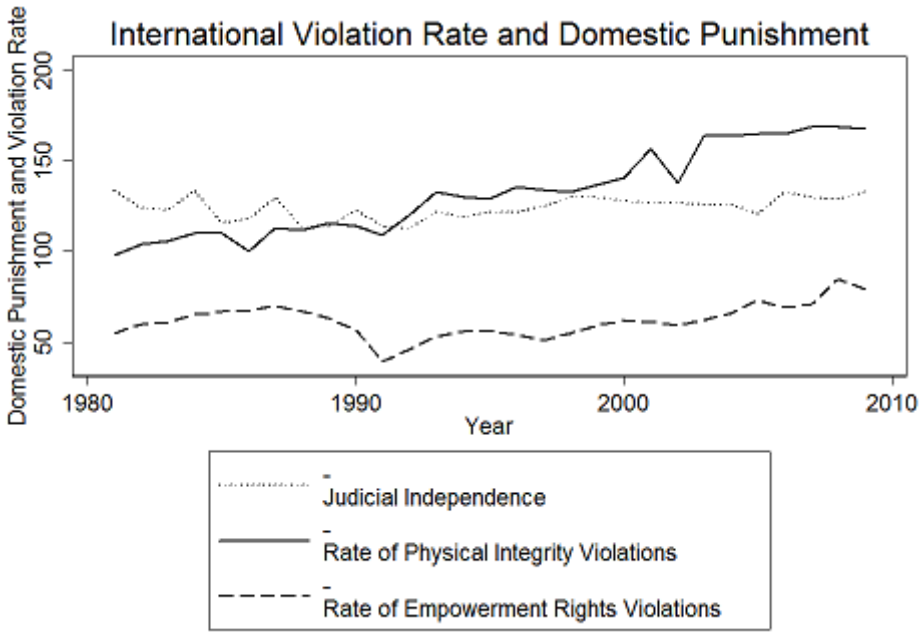


Figure 1.2: Judicial Independence and Human Rights Violations

How can we reconcile small climbs and dips in judicial independence with sharp spikes in violation rates? I propose that states are capable of these acts due to their expectations of a decreased likelihood that they will get caught if/when they coordinate their human rights violations. The process of coordination may vary from a simple decision to violate after observing that other peers are also violating to a concerted effort by a group of states to violate in tandem as was the case with the US-initiated extraordinary rendition. Whether the coordinated effort is extensively planned or simply the result of some human rights copy cats, one thing is clear. Continued efforts to understand human rights violations as an interaction that takes place exclusively between a potential violator and an international court provides an incomplete understanding of the rationale that potential violators use when making decisions about their future behavior vis-à-vis human rights.

This Prisoners' Dilemma logic that has been used extensively to understand international compliance behavior for a variety of issue areas in the past does not seem to be useful in helping one to understand clusters of human rights violations. The Prisoners' Dilemma helps us to understand why

states cooperate when they have an incentive to defect. While this logic can be helpful in understanding two-player interactions between a potential violator and an international adjudication body in a number of other issue areas, it is not helpful in the realm of human rights. Where human rights behavior is concerned, states receive very little benefit from the compliance of other states with international human rights law. Furthermore, their own behavior affects only themselves. Thus, the Prisoners' Dilemma logic typically used in understanding compliance behavior when one state's compliance affects the costs and benefits of its fellow institutional members does not apply here. This logic works fairly well in understanding compliance (or the lack thereof) with international environmental law or with trade agreements, but it fails to catch the interstate and state-institution dynamic where human rights are concerned. The only way that the human rights behavior of one state might affect the costs and benefits of violation for another is if a larger number of violations insulates individual states from punishment.

A QUESTION THAT BEGETS (MORE) QUESTIONS

If we start with the question of why violation rates seem to snowball within peer groups and we submit that the answer here is that states coordinate their violations in order to decrease the risk of punishment, it quickly becomes clear that one other question must be answered in order to understand this upward trend in violations over time: Does coordination work? When states violate in groups, does individual punishment become less likely? In other words, we must determine whether the assumption that we're attributing to states is a reasonable one. In order to answer this secondary question, it is necessary to expand the focus of the project beyond just the behavior of potential violators. First, we must determine what makes victims less likely to bring cases in front of international adjudication bodies. Second, it will be necessary to determine when international adjudication bodies are less likely to punish states whose cases are brought before them. If states are correct in operating under the assumption that coordination minimizes the likelihood of punishment, then we should observe victims

and international adjudication bodies being less willing to seek punishment for violations that take place as the result of a coordinated effort. In this project I develop and test a formal model which makes specific predictions about the effects of coordinated action on the likelihood that violations will occur, that those cases will be brought in front of international adjudication bodies, and that violators will be punished.

In determining whether or not coordinated action minimizes the likelihood of being caught and/or punished, it will first be necessary to determine whether or not the victims of human rights violations are less likely to bring a case in front of an international adjudication body if the number of violators in the international context is high. The logic here is simple. It is reasonable to suspect that victims of human rights violations care most about seeing that justice is dispensed for the wrongs that they suffered. Thus, victims are likely to ``venue shop'' for a forum in which they perceive that they are most likely to receive justice. If precedent in the international human rights literature is correct, these victims are unlikely to perceive that they are likely to receive justice at the international level and, thus, unlikely to bring cases there. However, there is likely to be an important exception to this rule. Because international adjudication bodies require that all domestic avenues for justice have been exhausted before a case is deemed admissible at the international level, we might reasonably expect that those who will bring cases at the international level are those who did not receive justice at the domestic level either because their case was (reasonably) deemed to be without merit or because corruption at the domestic level prevented them from receiving a just decision. Thus, there are barriers that exist at the domestic level that could prevent and/or prolong an individual complainant's efforts to have their case heard at the international level.

Where the behavior of the adjudication body is concerned, we will once again need to determine whether the number of states violating in a given year affects the likelihood that the body will issue a judgment in favor of the victim of the violations. Beyond this, it will also be necessary to take

into consideration the effects that the power status of the violator has on the likelihood for punishment. Powerful states tend to be integrated into the power structure of the human rights body itself, minimizing the likelihood that they will be punished. Furthermore, states that violate human rights and are doing so in tandem with a powerful ally may also escape punishment to the extent that their powerful ally is willing to shelter them from punishment. This latter scenario seems most likely when the powerful ally can do this with little costs to itself.

In what follows, I describe the design of the dissertation and describe briefly how each chapter will contribute to the answers to the overarching research question of why international human rights violations occur in clusters and why the occurrence of violations within clusters seems to increase over time. Furthermore, I highlight the implications that each chapter has for the secondary question for the project of whether coordinated action decreases the likelihood of individual punishment.

DESIGN OF THE DISSERTATION

The following chapter contains a literature review which serves to provide a background on the human rights literature relating to compliance with international law, the adjudication behavior of the victims of human rights abuses, and the behavior of the international adjudication bodies meant to punish these abuses. This chapter also further illuminates the gaps that currently exist in the literature and illustrates how this project serves to fill said gaps.

The third chapter develops a formal model, its equilibria, and the model implications for the coordination model of human rights compliance. This chapter provides a more specific understanding of why human rights compliance may be better viewed as a coordination issue than as a cooperation issue. I also develop several testable implications and identify the circumstances under which potential violator(s) will choose not to violate human rights and those under which an international adjudication body will decide to issue a punishment for violations. It will also identify the testable implications from the model that pertain to the behavior of victims of human rights abuses.

A fourth chapter includes an empirical test of the implications of the model with regard to the behavior of a potential violator. This chapter looks at whether the empirical record supports the notion that violators are more likely to violate human rights when their peers also have a record of violating and when the domestic costs of violations are high. I conceive of and test two different measures of coordination based on different definitions of how states might identify their international group of ``peers'', or other states whose behavior they might seek to emulate.

The fifth chapter consists of an empirical test which seeks to make and test predictions about when victims of human rights abuses will choose to bring cases in front of international adjudication bodies. While this chapter only tests directly one hypothesis derived directly from the formal model developed in Chapter 3, I develop and test two additional hypotheses that help the chapter to provide a more complete understanding of the implications that circumstances unique to a given country-year have on the probability of punishment at the international level as well as individual state's consideration when deciding whether or not to commit human rights violations at home. The hypotheses tested in this chapter, while not formally derived, are of the same motivation and spirit as those derived formally and tested in Chapters 4 and 6.

In the sixth chapter, the implications of the model with regard to the behavior of the international adjudication body are subjected to empirical tests. This chapter will determine the effect of coordinated violations, the costs of prosecution, and the costs of *refraining* from prosecution on the UN-based Human Rights Committee's admissibility decisions and its decisions either in favor of complainants or states for violations committed. The results of this chapter have implications for the effect that costs and benefits to the body's legitimacy have on its decisions and the overall effectiveness of the Committee as an adjudicator of human rights violations.

A final chapter will serve to summarize findings and illustrate the ``big picture'' from the project's findings. This chapter will include predictions about the future behavior of potential violators,

victims of human rights abuses, and international adjudication bodies and the effects that the findings in this project will have for future research. It will also outline suggestions for future research which will serve to elaborate on the answer to questions of human rights compliance.

CHAPTER 2: THE NUTS AND BOLTS OF HUMAN RIGHTS COMPLIANCE

What causes variation in human rights violations over space and time? Chapter 1 served the purpose of illustrating the fact that a great many states violate international human agreements most of the time. With the steady increase in the number of international institutions which purport to deal with states' human rights behaviors occurring in tandem with a steady increase in the number and degree of human rights violations occurring in states, many scholars have argued that international human rights institutions are incapable of preventing the occurrence of human rights violations. Despite this discouraging evidence, some states manage to refrain from committing such violations. In light of the number of states that find themselves unable to resist committing such violations, the good behavior of this group of states is interesting. However, in order to answer the question of why we see variation in terms of states' decisions over whether or not to comply with their human rights treaty obligations, it will be necessary to answer three component questions.

The first of these asks what political leaders see as their choice set where complying or defecting from human rights treaties is concerned. When deciding what their level of compliance with these institutions will be, leaders must strike a delicate balance between, essentially, violating human rights enough to receive the benefits of doing so without paying a prohibitive level of costs for their actions. The second component question looks to determine what domestic actors' possible actions and incentives are with regard to their responses to violations and/or compliance with human rights treaties on the part of their political leaders. When human rights are violated, what steps can the victims take in order to seek justice for the wrongs and how do these steps affect those responsible for the violations? The third and final component question regards the responses of international institutions to the behavior of violating states and the individual victims who bring cases before the institution. What are the possible responses of these actors and how is their behavior constrained by state parties and the individual complainants who bring their cases before these international adjudication bodies?

In this chapter I look to review the extant literature that has proposed answers to these questions and pose three important critiques of it. The first critique addresses the fact that scholars' tendencies toward viewing international human rights regimes as epiphenomenal because their punishment capabilities are weak is a flawed view. In many senses, international adjudication bodies have the capability of martialling international public opinion by openly prosecuting cases that are brought before them. Even when the punishments issued by these bodies are weak and/or not enforced, the knowledge of the state's actions are publicly known, which can lead to a great many costs to the state for its behavior which are not directly implemented by the body itself. The second of these is that human rights, as an issue area, is distinct from other issue areas in that compliance in the issue area of human rights cannot be understood in the same ways as compliance in other issue areas. Scholars' tendency towards viewing all compliance as looking like a Prisoners' Dilemma is flawed in that preferences where compliance with human rights regimes are concerned, states gain very little from cooperation with the regimes and impose few (if any) costs on their counterparts with acts of defection. Finally, as I will discuss in the conclusion of this chapter, both of these flawed approaches to understanding human rights compliance fail to help us understand the clusters of violations that we saw in the previous chapter.

The chapter is laid out as follows. I begin with a section looking at the compliance literature in a very general way, attempting to understand whether and, if so, when institutions can curtail state behavior. This sets the agenda for the broader work here, as it provides a lens through which we will be able to draw implications from the results found in later chapters. In the second section, I provide a discussion that looks to answer the first component question of the analysis regarding the rationale that states use when deciding what their level of compliance with international human rights treaties will look like. The third section looks at answers that have been proposed for the question of what causes variation in the rate at which human rights victims bring cases against their violators at the international

level. A fourth section addresses the questions that have been posed for answering the question of what role international human rights adjudication bodies play in this dynamic and what cases variation in the rulings issued by these adjudication bodies. A final section concludes.

DO INSTITUTIONS MATTER?

Realists argue that states are unlikely to behave differently as signatories to human rights regimes due to the fact that human rights treaties hinder state sovereignty without any associated material or strategic benefits (Downs, Rock and Barsoom, 1996; Grieco, 1988; Hathaway, 2002; Jervis, 1999; Mearsheimer, 1994/5; Powell, 1994). Observation of compliance with these treaties can be reconciled with this position based on the argument that states exhibiting compliant behavior do so only because they would have exhibited this same behavior regardless of their membership status. Realists maintain that institutions are basically a reflection of the distribution of power in the world. They are based on the self-interested calculations of the great powers, and they have no independent effect on state behavior. Scholars such as Downs, Rocke and Barsoom (1996) argue that states respond to relative incentives and that compliance relies primarily on the depth of cooperation required by the agreement.

As Simmons (1998) points out, it is exceptionally difficult to determine whether compliance with a regime is voluntary or due to the power of fellow regime members. The concern is with whether or not states are complying with obligations due to agreements, norms, or interpretations of proper behavior, rather than acquiescence to unilateral political demands based on the exercise of power alone. Agreements between actors with asymmetrical capabilities are rarely completely voluntary and decisions to comply might be caused by a feeling of obligation or coercion. However, it is not clear that institutional effectiveness and unilateral political demands are entirely independent of one another. Krasner (1983), among a great many others, argues that international regimes might, most accurately, be characterized as intervening variables when trying to understand international behavior. In this

sense, power and interests lead to the creation of regimes, which in turn affect behavior. If strong states create institutions in order to reflect the power distribution at the time of creation, we would expect them to be diligent about punishing those who were not part of the creation process and who violate the rules created by the institution.

Neoliberal institutionalists have also taken the position that institutions have an independent effect on state behavior, controlling for power and interests (Keohane and Martin, 1995). In fact, they argue that institutions make a significant difference in conjunction with power realities. Institutionalists have tended to rely more upon legalistic arguments and the causal mechanisms associated with the audience costs literature when considering questions of compliance in the context of human rights regimes. The legalistic argument rests on the supposition that states will be more likely to comply with international regimes if their domestic laws are consistent with the international regime. Scholars within the legalistic tradition have found that the presence of an independent judicial system and a civil society that views domestic institutions and laws as being legitimate increase the probability that a state will comply with international human rights law than their counterparts without legalistic similarities to the regime in question (Cardenas, 2004; Haas, 1998; Hafner-Burton, Mansfield and Pevehouse, 2008; Hathaway, 2002; Moravcsik, 2003; Slaughter, 1995).

Material vs. Normative Costs

However, this heuristic is useful in understanding human rights compliance only if another state stands to lose something as a result of human rights violations occurring elsewhere. Because of the roadblocks that sovereignty issues present for humanitarian interventions (not to mention the fact that states are unlikely to realize many material interests from humanitarian interventions), states are unlikely to be presented with many situations in which the benefits of intervention are high enough to warrant their involvement. This understanding of cooperation differs from that of issue areas such as the environment, trade or security. Where human rights are concerned, potential violators are only

likely to give some consideration to the costs and benefits of compliance based on the likelihood that outside states will intervene (which is typically a long shot and limited to strong states) and very likely to give long consideration to the likelihood that a domestic opposition group will stand against them successfully.

In opposition to this position, some make the argument that the development of international regimes facilitates the socialization of states to international norms of behavior (Chayes and Chayes, 1993; Checkel, 2001; Finnemore, 1993; Wendt, 2001). Scholars arguing in favor of this particular rationale often take the position that the existence of international regimes can transform state interests. According to this view, states do not choose to comply because compliance is instrumentally valuable to them, but rather due to the fact that they have been socialized to see no other behavior as being appropriate. This would mean that the continued use of the standards set by the cooperative efforts of the states that established the regime would ride not only on the legitimacy of the individual states involved in the negotiation, but also on continued international adherence to the norms of behavior (Finnemore and Sikkink, 1998; Lutz and Sikkink, 2000).

Trying to Find Some Middle Ground

It is, in part, because of the liberal peace literature and in part because of the coordination literature that neoliberal institutionalists have sometimes argued in favor of the importance of the reputational benefits associated with regime compliance. The coordination literature indicates that in order for an international regime to come into existence, the member states must necessarily have agreed upon the regime's structure and rules. Because of the fact that the member states were able to coordinate their preferences for the regime and said coordination may have been associated with costs for the member states, noncompliance by one would be considered to be a betrayal to all because it would allow the ``rule breaker'' to benefit at the cost of the others. Because institutional involvement increases the number of interactions between states over time, individual states, if rational, should

strive to abide by institutional rules in the present in order to give counterparts reason to comply with their preferences in the future (Davis, 2004; Keohane, 1984). This practice of issue linkage encourages a give and take dynamic between states in which one state ``scratches the back'' of another in exchange for the chance to call in a favor at some future point (Lipson, 1991).

Scholars' decisions to overlook the issue linkage dynamic and states' concerns with reputation have argued that there is a lack of institutional compliance on behalf of states where the issue area of human rights is concerned. In approaching questions of human rights compliance in this way, they are only partially right in their characterization because they focus only on the costs that are most easily measured. Alliance structures are likely an important consideration for states when they consider what their human rights behavior should look like in that poor human rights standards may be a ``deal breaker'' where some of their allies are concerned. For example, the European Union and the United States, for the last two decades have adopted the practice of signing bilateral trade agreements with countries that have workers' rights standards ingrained. Trading partners that do not adhere to these standards can expect to have their status as a favored trading partner revoked, which represents huge material costs due to the size of the EU and US economies. Losing these trading standards come as a result of reputational costs.

It is important to note that the reputational costs, as identified here, manifest as material costs of lost trade. However, reputational costs are not limited to lost trade. Even in the context of the UN, member states in the General Assembly or Security Council must work together in order to secure enough support to pass certain initiatives in a vote. This means that when states lose reputational appeal with regard to issue areas that are important to their voting alliances, these alliances may break up and cause issues that are important to the state to fall by the wayside. While these losses are extremely difficult to observe and measure, they are no less relevant to states' analyses of the costs and benefits associated with a particular action.

This reasoning culminates to illustrate that while the material costs of punishment may not be particularly notable for states, the implications of incurring such costs stand to be important in their decision-making process. When cases are brought against states at the international level, this information is available to the international audience, making it exceedingly difficult for states to cover up the fact that they have broken international rules and norms. When the international audience is made aware of such transgressions, they have the option to exact costs on the state. It is also likely that the costs that the international audience can exact on the violating state are much greater than any costs that could be charged by an international adjudication body. Thus, whether the punishment mechanisms of the international adjudication body are strong or weak is of little difference here. Rather, the role of the international adjudication body as the ``whistle-blower'' may be the important aspect of the interaction to consider.

THE DECISION TO VIOLATE

Strong states that are highly integrated in the international system, admittedly, play a large role in the formation of international norms. Weak states and so-called pariah states tend to play a very small role in the institutional creation process and, thus, the norm creation process. These human rights norms then tend not to reflect their understandings of appropriate behavior, much less their material interest-based calculations about what sort of behavior they should engage in. Relatedly, we might expect that states involved in the norm creation process are more likely to have internalized human rights norms while states that were not involved in the norm creation process are less likely to have internalized these norms. While this seems to be true for the most part in that we tend to see more human rights violations in nondemocracies and in lesser developed countries, it is not universally true as evidenced by the extraordinary rendition case discussed previously. This was a case in which a developed, democratic state that is highly integrated in the world system perpetuated human rights abuses through practices such as torture, kidnapping, and extrajudicial killings.

Because we do see human rights violations committed in countries that do not make the list of the ``usual suspects'' as well as in countries that we might expect have not internalized international human rights norms, it seems more likely that states ''drive as fast as they can afford'' when it comes to human rights violations. While they are aware that norms against human rights violations exist and have no trouble abiding by them at times, they are unlikely to abide by them when the costs of doing so are low and the benefits of doing so are high. Speaking more specifically, we might expect norm internalization to be more likely to occur *after* the violator is caught and punished, which is consistent with research conducted on the effects of international criminal tribunals (Kim and Sikkink, 2010). Thus, the norm internalization process provides us with less of an understanding of why human rights violations happen to begin with and more of an understanding of why they are less likely to occur after punishment has been carried out.

This can likely be attributed to phenomena that reflect the findings of (Bueno de Mesquita, Morrow, Siverson and Smith, 1999*a*) with regard to human rights specifically. Because of the limited likelihood for interference by the international community in foreign human rights matters, the domestic preferences are key to understanding the costs that potential violators can expect to pay for their behavior. These domestic preferences against violations such as torture, extrajudicial killing, disappearance, political imprisonment are, perhaps, the effect of internalized international human rights norms, but we might also simply suspect that they are more likely rooted in the basic human instinct for survival. However, the source of the domestic preferences is less of a concern here than is the source of the preferences of violators, which I argue is the concern for political survival domestically.

Domestic Motivations for Human Rights Violations

Theories that purport to explain why violations occur are as abundant as the instances of human rights violations that they seek to explain. The common thread of these numerous explanations centers on the desire for domestic power. A rather elegant formulation of this argument is provided by Bueno

de Mesquita, Morrow, Siverson and Smith (1999) in their explanation of the effects that the size of a government's winning coalition has on their political survival. When we make the simple assumption that, once in power, leaders' primary desire is to remain in power, the rationale behind engaging in human rights violations becomes more clear. A key factor here, of course, is regime type. Because autocracies have smaller selectorates and winning coalitions than their democratic counterparts, they are required to keep fewer people happy in order to remain in power. This argument has been important to understanding variation in public goods provisions (Bueno de Mesquita, Morrow, Siverson and Smith, 2002), but it can also be used to understand the provision of public "bads" (Vreeland, 2008; Davenport, 1999). The lack of accountability and the lower level of political participation allowed in autocracies is associated with low levels of respect for human rights (Bueno de Mesquita, Cherif, Downs and Smith, 2005).

The political survival model, while useful for helping us to understand why governments may engage in or allow human rights violations to occur, does not explain why states sign on to agreements with which they may have little incentive to comply. Here, the addition of the logic of two-level games becomes useful (Putnam, 1988). Democracies and anocracies may sign on to human rights agreements as a commitment mechanism at the domestic level (Hafner-Burton, Mansfield and Pevehouse, 2008; Vreeland, 2008). In signing these agreements they attempt to tie both their own hands, as a commitment device aimed toward the domestic audience, and the hands of future leaders, as a commitment device aimed toward both the international and the domestic audiences. This effort not only affects the long-term stability of newly formed democratic institutions, but also the level of trust that the domestic and international audiences can have in the new regime's commitment to becoming more democratic in the long term.

This explanation for why anocracies may have more of an incentive to sign and comply with human rights agreements than do autocracies and even full-fledged democracies hints that audience

costs, at both the domestic and international levels are important in understanding compliance behavior. The political survival argument is helpful in understanding both why governments may be incentivized to commit human rights violations and how governments can get away with human rights violations at the domestic level. Both explanations provide explanations for variation in compliance behavior by illustrating the reasons for why leaders may want to violate human rights in some cases and not in others. However, the weakness of these two explanations lies in their inability to account for cases in which no human rights violations occur even when leaders may stand to gain from human rights violations which they may be very likely to get away with at the domestic level.

International Explanations for Human Rights Violations

One explanation for these cases is provided by Hafner-Burton (2005). Here, bilateral trade agreements with hard human rights standards may prevent states with an incentive to commit human rights violations from actually doing so by tying the state's lack of human rights violations to a definite economic benefit of continued trade. The effects of these trade agreements with hard standards on human rights compliance are compared to those of trade agreements with soft standards and international human rights membership. It is concluded that the coercive efforts reflected in the hard standards are more effective than the persuasive elements of trade agreements with soft standards or general human rights standards. However, this explanation does not get around the endogeneity problem.

Do states sign bilateral trade agreements with hard standards because they would not have committed human rights violations anyway or is it the agreement that warrants a change in state behavior? In order to get around this problem, it is necessary to determine if there are systemic-level conditions that facilitate higher rates of human rights violations. The domestic explanations outlined in the previous section illustrate why states may be incentivized to commit human right violations, but explanations that occur at the interstate level get caught up in the endogeneity problem because of the

difficulty of determining states' true intentions when they make a deliberate action such as signing an agreement. Due to the overlying anarchic nature of the international system, one can easily argue that states can sign any and every agreement that comes their way without needing to have much fear of punishment. However, there are other systemic factors that, unlike anarchy, do vary. One such factor is the probability of punishment for human rights violations in the system.

Under what circumstances is punishment for human rights violations most likely in the system? There are many contributing factors to variation here including the material costs of punishment, the reputational costs and benefits of punishment, and the international economic and political power of the punished. By measuring variation in the probability of punishment at the systemic level and assessing the effect of this on human rights compliance, it is possible to get at the answer to the endogeneity problem by assessing whether and when we see states abstain from committing violations even when the systemic and domestic factors are conducive to states' ability to violate with impunity. But this begs the question: Can potential human rights violators exert influence over variation at the systemic level in the probability of punishment? I argue that they can do this by coordinating their behavior where human rights compliance is concerned.

What's Missing?

Once all of the different costs and benefits that states and courts must consider when deciding whether to uphold human rights norms are taken into account, it becomes necessary to think about how this information is processed and who the relevant actors are. One way that scholars have tried to do this is through the use of formal modeling. While the use of game theory in the human rights literature is rather rare, its use in the broader exploration of regime compliance and cooperation is quite common. The debate between neorealists and neoliberals has focused on the implications that repeated iterations of the Prisoners' Dilemma game can have on states' concerns with relative gains and, as a result, the potential for cooperation in the international system (Axelrod and Keohane, 1985;

Stein, 1983; Keohane, 1984; Oye, 1985; Jervis, 1999). However, James Fearon (1998) points out that this debate has overestimated the occurrence of interactions in which preferences look like those found in the Prisoners' Dilemma game.

Where the issue area of human rights is concerned, the decision to comply with agreements is generally treated the same as compliance with agreements in the realms of trade and the environment. The rationale here is that of a collective action problem which results in the free rider effect. States are reluctant to comply with free trade agreements or higher environmental standards when they view other states as likely to defect because they stand to forfeit gains and, ultimately, to lose gains relative to those gained by defectors. Where human rights are concerned, the collective action problem and the threat of the free rider effect are absent. Forfeiting the ability to commit human rights violations while others are committing violations generally does not result in a distributional conflict between states. Rather, actors who choose not to commit human rights violations must fight a distributional conflict on the domestic level over who will obtain power within the territorial boundaries.

In environmental or trade agreements, which are typically modeled as Prisoners' Dilemma games, players stand to benefit the most when they choose to defect during their counterparts' cooperation. Somewhat differently, when an actor decides not to comply with a human rights agreement, they stand the chance of being punished for their indiscretions unless other actors choose to support them against a court or other international body that has the ability to issue an indictment or reward for capture of the suspected abusers. In other words, I take the position that while the Prisoners' Dilemma game is an appropriate template for models of many different types of regime compliance, compliance with human rights agreements is more appropriately modeled as a coordination game.

The lack of an explicit distributional conflict at the interstate level means that less is gained from using Prisoners' Dilemma preferences to understand compliance with human rights regimes. Stein (1983) points out that in situations in which states face a dilemma of common interests, independent

decision making leads to equilibrium outcomes that are Pareto-deficient - outcomes in which all actors prefer another given outcome to the equilibrium outcome and, thusly, look like the Prisoners' Dilemma. This dilemma more closely represents decisions about the enforcement of human rights regimes. Decisions over whether to comply with human right regimes more closely resemble what Stein refers to as dilemmas of common aversions in which actors have a common interest in avoiding a particular outcome (such as punishment), as opposed to a dilemma of common interests in which actors have an interest in insuring a particular outcome. Under these circumstances, potential violators do not prefer the same outcomes (actors are unlikely to care what happens to violators unrelated to their own cause), but they do share an interest in avoiding their own capture and punishment. Stein draws the conclusion that in a dilemma of common interests, states stand to gain the most from collaborative acts in which they specify patterns of behavior and monitor against cheating. However, when there is a dilemma of common aversions, coordination is required.

THE DECISION TO BRING A CASE

States must also consider various domestic circumstances in addition to the behavior of their international peers. However, the sorts of domestic circumstances that states must consider are also affected by the international community. The primary concern that states must consider at the domestic level is the likelihood that victims of human rights violations would bring a case against the violator(s) in order to get retribution for violations committed against them. Victims of violations can bring cases at the domestic level and at the international level, so states must take both domestic and international laws into account as well as the strength of the punishment mechanisms at both levels. Victims must also take these same factors into consideration when deciding whether to expend the time and effort that goes into the adjudication process.

Generally, one might argue that victims are likely to consider the depth of punishment that violators receive when punishment is administered at either the domestic or international levels for

human rights violations. If the victim believes that punishment will be strict and carefully enforced, they may be more likely to bring a case than if they have ex ante beliefs that the punishment will be light or not enforced. While Kim and Sikkink (2010) suggest that the severity and likelihood of punishment may be less important than the experience of the pursuit of justice by means of a trial, if the victim's ability to achieve justice is highly uncertain, they may not pursue it in the first place.

The argument that Kim and Sikkink (2010) put forward is that when a trial occurs to punish human rights violations, the likelihood of future violations occurring in that state lessens dramatically. They come to this conclusion after looking at the rate of prosecutions of highly visible cases of human rights violations, such as the prosecutions in Argentina for the atrocities committed during the Dirty War or the International Criminal Tribunal for the former Yugoslavia. However, these highly visible cases are atypical. Many cases of human rights violations are not as egregious or as widespread as those discussed by Kim and Sikkink (2010) which means that they are internationally less visible and, because of the low visibility, the reputational and punishment stakes are lower for those committing the violations. Furthermore, since these violations are more widespread, the costs of bringing a case are shared across a larger number of people than when the victims are individuals. Finally, violations that are more egregious and widespread more easily meet the threshold for prosecution because it only takes one person to begin the prosecution process for the whole group.

These systematic differences have important implications for victims' decision-making processes when it comes to choosing whether or not to bring a case at either the domestic or international levels. Kim and Sikkink (2010) say that victims are unlikely to be concerned about whether the violators are punished if they are able to use the prosecution as a healing mechanism, but the logic here becomes circular. If victims lose the case are they likely to feel healed by the process that caused the violators to get away with their crimes? If victims have a chance of losing, are they likely to be willing to bring a case, even if it will give them ``closure''? These are questions that have yet to be conclusively answered

in the human rights literature. Based on the assumption of rationality, I suspect that victims will be more willing to go through the effort of prosecuting if they think it is likely that they will receive a judgment in their favor. While victims may feel more satisfied if, in addition to losing the case, the violators have to pay considerable costs for their actions; I do not posit that the victims must be able to anticipate that some punishment will be carried out in order for them to feel that prosecution is worth their time. I merely argue that victims will bring cases when they think that a judgment in their favor is likely.

Domestic Factors Affecting Prosecution

After the occurrence of human rights violations, the natural reaction for victims is to pursue justice. In fact, Kim and Sikkink (2010) state that the prosecution process serves not only as a cathartic experience for victims, but that in the long term, it can prevent future violations. This simple fact begs the question of why not all victims of human rights abuses choose to pursue the prosecution of the abuses. One reason that cases may not be pursued at the domestic level is that mechanisms to do so may not be available. A number of domestic traits might contribute to the overall availability of domestic recourses for the prosecution of violations. The five traits most important to consider here are regime type, the presence or absence of conflict over resources at the domestic level, judicial independence, the strength and capacity of domestic institutions, and the degree of wealth in the state. These five traits are of particular importance here due to the fact that they are all determinants of the victim's ability to receive a fair trial in the country in which the violations occurred.

First, we might reasonably expect that states with a democratic form of government may be more capable of punishing human rights violations due to the audience costs to which the government is subject. Democratic leadership must, ultimately, answer to the voting population and in order to do this with success, they must make decisions that are viewed by the populace to be legitimate. The perception of legitimacy tends to be harder to achieve as the size of the winning coalition increases

(Bueno de Mesquita et al., 1999*a*, *b*, 2002). Because of the nature of the human rights issue area, the perception of legitimacy is at once easier *and* more difficult to achieve for democracies. While democracies' decisions, once reached, are more likely to be viewed as legitimate across a broad societal base, a number of factors influence the speed with which this process will take place. Autocracies, having less need to be concerned with broad-based perceptions of legitimacy due to their smaller winning coalitions, will likely reach decisions more quickly that are viewed as illegitimate by the large number of constituents that are not part of the winning coalition.

Another important factor for determining whether domestic punishment occurs and if the decision is viewed to be legitimate by the citizenry is the level of group stratification that exists within the society. Societies that are highly stratified are more prone to conflict, which easily leads to a higher rate of human rights violations between groups (Fearon and Laitin, 2003; Gurr, 2000). States operating under these conditions are under monumental pressure to either behave in a conciliatory manner and attempt to diffuse tensions as much as possible or to be consistent in their preferential treatment of one group at the expense of others. The decision that states reach on whether or not to be conciliatory largely depends on their regime type. Democracies must keep a larger winning coalition happy in order for the government to stay in power, while autocracies must please a smaller, yet likely more particularistic winning coalition. This means that in democracies with low levels of group stratification, we can expect that decisions perceived as being legitimate by a winning coalition sufficient in size for the regime to retain power to be come by more easily and more quickly than in democracies with highly stratified groups because the preferences of the winning coalition are more diverse. Meanwhile, autocracies are unlikely to vary much regardless of the level of stratification in terms of the perceived legitimacy and the quickness of the decision. For autocracies, what matters more than the level of fractionalization in the society is the level of organization of the largest opposition group (Gurr, 2000).

Finally, having taken regime type and fractionalization under consideration, individuals must then consider the level of judicial independence in their state before deciding whether or not to bring a case at the domestic level. Admittedly, judicial independence is likely to be very closely related to regime type in that democracies are more likely to have independent judiciaries than are autocracies. However, it is not the case that all democracies have independent judiciaries. Victims of human rights violations are likely to take this factor into consideration when determining whether or not to bring a case. I anticipate that those residing in states with independent judiciaries are the most likely to bring cases because they are the ones most likely to anticipate a just due process. This is not to say, however, that those residing in states with judiciaries that are only partially independent or that are not at all independent will not bring cases. These individuals are merely more likely to base their decision over whether or not to bring a case on their perceptions of how just the process will be at the international level. I discuss these considerations in the following section.

Systemic Factors Affecting Prosecution

It stands to reason that if domestic recourses for prosecution are not available to victims of human rights abuses, the likelihood of violations occurring increases and the likelihood that prosecution will occur at the domestic level decreases. When the probability of getting justice at the domestic level is low, victims may choose to seek justice at the international level. However, where the majority of international human rights treaties is concerned, victims of abuses must have exhausted all domestic recourses for justice before bringing their case before the international body. In states with a more democratic system of government, a higher GDP, judicial independence, and a low degree of group marginalization, the process of exhausting the domestic recourses for prosecution are at once more likely to be lengthy and more likely to end in justice, thereby decreasing the need for international prosecution. On the other hand, in states where some or all of these traits are not present, the domestic prosecution process is less likely to result in justice that satisfies the victim, regardless of the

length of the process itself which is likely to vary. States not prepared to administer justice for human rights violations may decide to dismiss cases quickly so as not to have to deal with them or, just as likely, decide to stall so as to give the perception that justice will be had even if it will not.

Ultimately, whether or not victims choose to pursue the prosecution of violators at the international level also comes down to whether or not they believe they will get justice as a result of their efforts. Even if they bring a case before an international adjudication body, they have no guarantee that even the most seemingly clear cut and straightforward case will be decided in their favor due to the intricacies of international politics. This means that while states are considering whether or not to violate, they may choose to take a calculated risk and violate, gambling that even if a case is brought against them, their own position in international politics may prevent them from being punished for their violations. Thus, victims of human rights violations may very well also take into consideration the position of the violator in international politics and the likelihood that they have for winning the case when deciding whether to bring a case in the first place.

The Effects of Individual Perception

There are two factors that are likely to be extremely important in predicting whether or not an individual complainant will choose to initiate legal proceedings at the domestic level with a mind to continue the process to the international level. The first of these is the level of trust that the individual has in the international adjudication process. The second is the power identity of the state against which the case will be brought. The level of trust that individual citizens have in the international adjudication bodies for the human rights issue area is likely to inform their decision to bring a case. Once the domestic judicial process has been carried out, if the victim of violations did not receive justice, they must consider whether or not to bring their case to the international level. If the adjudication body has a poor record of issuing judgments against violators or if they have a poor record of issuing punishments that result in a noticeable change in the violator's behavior, the international

community is likely to have a poor perception of the body's ability to mete out justice. If the complainant assesses that the probability of a judgment in their favor or punishment is low, they may very well choose not to bring a case at the international level, regardless of the results they receive at the domestic level.

As discussed previously, state power has an infinite level of influence on the ability of international institutions to operate effectively. Because powerful states are *so* important to the long term survival of the institutions that they create, these institutions oftentimes have no incentive to increase the costs that powerful states must pay for their continued existence. Thus, one might reasonably expect that when violations occur in powerful states and/or when those violating are coordinating their efforts with powerful states, judgments at the international level in favor of the victims are less likely. Institutions, due to their desire to continue to exist and operate, have little incentive to bite the hand that feeds them. Those individuals considering the option of involving themselves in an international adjudication process are likely to assess that this is the case, particularly if they have a low level of trust in the functioning ability of the adjudication body to begin with. Ultimately, this means that individuals are less likely to bring cases when their trust in the adjudication body is low *and* when the state against which they plan to bring a case is a strong one that is likely to use its influence in the institution to avoid punishment.

THE DECISION TO ISSUE A PUNISHMENT

Adjudication bodies for human rights agreements have what may seem to be a fairly straightforward mandate: charge and punish human rights offenders in order to uphold international human rights rules and norms. However, behind this mandate the practice of charging and punishing is considerably less straightforward. While these committees are concerned with upholding the international rules and norms in the realm of human rights, they must also be concerned with the survival and continued legitimacy of the agreement and the committee itself. Although capturing and

punishing offenders is, in many cases, an efficient means of survival and a mode for gaining and maintaining legitimacy for these bodies, there may be some instances in which following the mandate can work at cross purposes with the committee's goals. Further, it may at times be the case that the committee faces an uphill battle when attempting to realize its mandate due to counter efforts made by interested third parties.

Research has indicated that, at the domestic level, the adjudication of human rights offenders serves not only as a cathartic experience for the victims of said offenses, but also as a mode of prevention against future offenses in the state in question (Kim and Sikkink, 2010; Lutz and Sikkink, 2000; Walling and Sikkink, 2007). However, these same findings have not been duplicated at the international level (Hafner-Burton, 2005; Hafner-Burton and Tsutsui, 2005; Hathaway, 2002; Neumayer, 2005). Why are the results found at the domestic level lost in translation? Because upholding human rights norms isn't always the most important or focal goal amongst interested parties at the international level, our understanding of the process and its effects at the domestic level can sometimes fall short of explaining the phenomenon internationally.

The biggest issue here is the ``tangled hierarchy'' that exists between human rights committees and the states that create them. This issue is at the heart of any debate over the effectiveness of international institutions and their ability (or inability, as some would say) to have a lasting or detectable effect on state behavior. States create these institutions with rules as binding or as flexible as they desire (Downs, Rock and Barsoom, 1996). Once created, said institutions are only as powerful as they were created to be. International human rights agreements are plagued by the fact that they are generally non-binding, they have weak or non-existent enforcement mechanisms, and many rely on the self-reporting of members for their monitoring capabilities. Due to all of this, evaluation of the effectiveness of human rights agreements is difficult (Chayes and Chayes, 1993; Checkel, 2001). Is the

mere existence of an agreement enough to change states' behavior? Or, is an agreement with weak enforcement sufficient?

These are questions whose answers interest not only scholars in the realm of human rights and international organizations, but also those that make up the organizational bodies of the agreements. The assumption that the employees of international organizations tend towards preferring the long term survival of the institution, achieved by maintaining institutional legitimacy, is often made (Haas, 1998). Once created, institutions must remain effective in the eyes of those who created them and those subject to them in order for them to continue to be perceived as legitimate and to continue to survive. Unfortunately for these institutions, the interests of the creators are oftentimes at odds with those subject to the international institutions. Thus, councils responsible for adjudicating human rights violations must be strategic in their decisions over who and when to punish and the severity of said punishments.

Dissecting the Decision to Issue a Punishment

There are two lenses that adjudicating bodies must use to view their decisions over punishment for violations. The first of these is whether the state receiving the punishment will comply. Because of the lack of an independent enforcement mechanism in most human rights agreements and powerful states' abilities to get away with more than their less powerful counterparts, an adjudication body that metes out punishment to powerful states and their allies has little hope that the punishment will be carried out (Keohane and Martin, 1995; Mearsheimer, 1994/5). Less powerful countries are unlikely to have the resources to carry out their punishment, especially when the punishment involves remittances. One caveat here is that less powerful states are unlikely to be willing to turn against powerful states with whom they must preserve good relations in order to insure their continued security and economic prosperity by failing to carry out the parameters of their punishment. Regardless of states' power identities, punishment that is ordered but not carried out not only fails to uphold international human

rights norms, but can also lead to the decreased legitimacy of the institution and the norms that it embodies (Cardenas, 2004; Chayes and Chayes, 1993; Checkel, 2001; Fang, 2008). Thus, one might reasonably argue that, from a strategic point of view, adjudication bodies are better off not issuing a punishment when they have no expectation of the punishment being carried out by the states receiving it. It may also be the case that a strong states' power in the human rights organization itself prevents it from receiving punishment in the first place.

The case of the US' policy of extraordinary rendition provides an excellent example of why this lens is an important one to consider. While the Parliamentary Assembly of the Council of Europe and the European Parliament both engaged in investigations into the so-called ``black sites'' set up around Europe, their punishments were only successfully carried out for European violators as neither of these bodies has jurisdiction outside of Europe. While the UN and the World Policy Council both issued reports on the activities of the US and European countries' policies surrounding the practice of extraordinary rendition, no punishment of these countries has occurred as a result of these international organizations' investigations. While the European Union has a better record than many other regions in the realm of human rights, its member states' individual decisions to coordinate their behavior with the United States in order to facilitate violations illustrate that when a number of powerful states in the international community choose to coordinate their violations, very little can stop them.

The second lens that adjudicating bodies must use to view their decision is through the human rights record of the violator. In part, the logic here is similar to that expressed in the discussion of the first lens. When powerful states and/or their allies are the ones committing human rights violations, issuing a punishment may not be the best option for the adjudicating bodies because such an act could lose them the support of important members to the agreement (Gourevitch, 1978; Putnam, 1988). This is undesirable not only due to the implications that this lack of support would have for enforcement of international human rights norms, but to the potential for lost trade with the powerful state. On the

other hand, so-called human rights pariah states may seem to be an easier target for punishment. However, these states that have few allies and commit the most egregious human rights violations earn their identity as a pariah state specifically due to the fact that they have very little concern for their international reputation where human rights are concerned. Here, notable examples include Iran and North Korea.

Explanations for Inaction

Using these two lenses, the adjudicating bodies for human rights agreements are likely to take under consideration three factors when deciding whether or not to issue a punishment. The first of these is the probability that the punishment, once decided, will be carried out. Due to the fact that these adjudicating bodies' survival is linked with their ability to successfully uphold human rights norms, it is key that when the council or committee issues a punishment, said punishment is realized. Because human rights agreements do not (with the notable exception of the European Convention on Human Rights) have their own independent enforcement mechanisms, the probability of punishment is rarely 100%. As discussed above, it seems likely that when the violator is a powerful state, the probability that the state will submit to the punishment is low. However, it is also possible that the state may carry out the punishment if it views human rights to be an issue area of some importance or if it views backlash against its actions (at either the domestic or international level) to be likely. On the other hand, when the violator is a human rights pariah state, one might reasonably expect a low probability that punishment is carried out, regardless of any extenuating circumstances; because the state has already exhibited that it has little regard for human rights.

The probability with which violators are punished is certainly extricably linked to the second and related factor that adjudicating bodies must take into consideration when deciding whether to issue a punishment. This factor consists of the costs and benefits to their reputation for doing so. The organization receives certain reputational benefits when it calls for the punishment of human rights

violators regardless of whether the punishment is carried out. However, if the punishment is carried out, the reputational benefits of being perceived not just as an organization that upholds international human rights norms, but as an *efficient* and *effective* purveyor of justice.

When the organization *fails* in its duty to call for the punishment of human rights violators, it always pays costs. In the event of a powerful human rights violator, the organization pays reputational costs from less powerful member states who may view the lack of a judgment as being unfair as these less powerful states might rightly claim that the organization would not let *them* get away with such behavior. In addition to the reputational costs that the organization pays to its member state-based audience, there are also reputational costs that originate from advocacy groups such as Amnesty International or Human Rights Watch, which are just as effective at engaging in ``naming and shaming'' campaigns against human rights organizations as they are against the violators themselves, and from the lay population which receives this information via said advocacy groups and the international media (Keck and Sikkink, 1998). Because human rights agreements are international *governmental* organizations, one can make the argument that such reputational hazards amongst the lay populations of member states and/or advocacy groups is of little concern to the survivalist instinct of the organization itself. However, I argue that this is not the case.

In early 2003 as it became more and more clear that the US-sponsored initiative to invade Iraq with the expressed support of the UN Security Council was unlikely, the support of the US public for the US' unilateral invasion of Iraq increased (Borger and White, 2003). It is possible that this was due to a rally 'round the flag effect that occurred due to the impending invasion. It is also possible that this increased support for unilateral action and a decreased need amongst the public can be attributed to a decreased level of confidence for the legitimacy of the UN in general amongst the American public. In fact, (Borger and White, 2003) pointed out that a Washington Post and ABC News poll showed that after Colin Powell, then US Secretary of State, presented his evidence against Iraq at the UN Security Council,

57% of those questioned backed an invasion of Iraq in the face of UN opposition if ``some US allies such as Great Britain, Australia and Italy'' supported Washington.

The unilateral action of the US flew directly in the face of states like France, Germany, New Zealand, and Canada who had traditionally been supportive of the US in the past. As a result, the UN becomes an institution which, in the eyes of Americans, is either too weak to authorize an invasion that is justified or too weak to prevent the US from engaging in an invasion whenever it wants, regardless of international support. In the eyes of the international community, the institution is merely viewed as too weak to control a hegemon. Putnam (1988) argues that states play two-level games constantly in their foreign policy exercises. When organizations are pressured by powerful states against punishing violations, it is the organizations that become the losers in these two-level games because they stand to lose the confidence of the other member states and that of the domestic populations of these states and the pressuring state.

Furthermore, evidence indicates that advocacy groups can have a strong influence in international politics (Keck and Sikkink, 1998; Wapner, 1995). Due to the fact that human rights agreements' monitoring mechanisms may in fact be just as weak as their enforcement mechanisms, advocacy networks play a crucial role here. Beyond the information that they receive from advocacy networks, human rights organizations must largely rely on self-reporting or member states' duty to report in order to gather information on the occurrence of and nature of human rights violations. Thus, organizations must rely on advocacy networks for their monitoring capabilities as well as for the influence they can hold over state governments. To the extent that advocacy networks can aid the organization in its ability to uphold international human rights norms, these organizations receive no benefits and pay only the costs to their own legitimacy when the advocacy networks turn against them by highlighting their refusal to uphold the norms that they were created to uphold. This not only affects

the future legitimacy of the organization itself by inhibiting its monitoring capabilities, but by harming its international reputation.

CONCLUSION

In the process of reviewing the extant literature on human rights compliance, complaints against violators, and the adjudication process, I have advanced two main critiques of the literature. The first of these addressed the fact that scholars' tendencies toward viewing international human rights regimes as epiphenomenal because their punishment capabilities are weak is a flawed view. The second of these is that scholars' tendency towards viewing all compliance as looking like a Prisoners' Dilemma is flawed in that states gain very little from cooperation with the regimes and impose few (if any) costs on their counterparts with acts of defection in the realm of human rights. The synthesis of these two critiques is that both of these flawed approaches to understanding human rights compliance fail to help us understand the fact that human rights violations seem to happen in clusters rather than as isolated instances.

Because we observe violations occurring clusters, it is necessary to determine what type of thinking leads states to decide to violate in groups. The existing literature draws two conclusions about human rights behavior in states. The first of these is that states commit human rights violations because institutional enforcement mechanisms are weak and unable to punish such behavior in any meaningful way. If this were true, we would expect to see violations in every country-year because states' would have no concerns about punishment. They would never have to worry about being caught in their violation behavior because the ramifications of being caught would be inconsequential to them. This is clearly not what we observe empirically. In Chapter 1 we saw great amounts of variation in the rate of violations with regions and regime type groups over time. Further, we observed that the propensity for punishment does not vary in conjunction with variation in the clustered violations. Thus, a myopic concern for punishment cannot explain clustered violations.

The second conclusion drawn by the existing literature was that the Prisoners' Dilemma is the scheme most often used to model compliance behavior because it explains how the costs and benefits of compliance and/or defection come as a result of state decisions to violate. I have argued that this is not the case and that the structure of the payoffs in the Prisoners' Dilemma does not reflect the structure of payoffs where human rights interactions are concerned due to the fact that states do not exact costs on their counterparts when they violate human rights. This means that states do not have common interests in protecting human rights, but rather a common aversion of avoiding any negative consequences associated with such actions. If this is the case, we would expect that states would violate in clusters in the way that is depicted graphically in Chapter 1. If states have the common aversion of experiencing punishment for their violations, they would work together to avoid it. There are a number of ways that this can be achieved, including efforts to create institutions with weak punishment mechanisms and collective efforts to overwhelm these weak punishment mechanisms. These are the types of behavior that we would expect to explain the clustered violations from Chapter 1. It is both because we see clusters of human rights violations and because existing explanations fail to explain this phenomenon that I will propose a model of human rights compliance that is characterized by the coordinated efforts of states to violate human rights together in the following chapter.

CHAPTER 3: MODELING HUMAN RIGHTS COORDINATION AND COMPLIANCE

Do potential human rights violators consider coordination to be a viable strategy for committing human rights violations with a smaller probability of getting punished for their actions? In order to answer this question it is necessary to answer two more specific questions. First, do potential violators take into consideration the behavior of other potential violators when making the decision to violate? Second, when do adjudication bodies authorize punishment for human rights violators and to what extent is this affected by coordinated action? In what follows I develop, first, a general discussion of this dynamic, second, an example and, finally, a model which makes predictions about the answers to each of these questions.

The interactions of interest for this project are those that take place between states and between states and international adjudication bodies. I assume that the primary concerns for potential violators are the likelihood that their violations will be punished at either the domestic level or through reputational costs at the international level. I argue that these concerns over punishment and reputation both change their preferences with regard to their own human rights behavior and causes them to work to change the overall likelihood of punishment and/or reputational costs by making attempts to coordinate their behavior with other violators. It seems likely that states work to alter the costs and benefits of their punishers through coordinated efforts to increase the costs of issuing a punishment for the relevant international adjudication bodies. In doing so, states can help one another to minimize the costs of international punishment that they must pay in exchange for engaging in behavior domestically that is profitable to them.

International adjudication bodies' primary concern is their continued existence and relevance, which is directly tied to the rate of the human rights violations which they are responsible for prosecuting and their success in prosecuting and punishing these violations. I argue that state behavior affects these adjudication bodies' overall effectiveness in two ways. First, states coordinate their

behavior in an effort to raise the cost of punishment for the adjudication body while simultaneously lowering their individual cost for punishment. Second, by coordinating their actions in an effort to lower the probability of international punishment, they are able to create disincentives for individual complainants to bring their cases in front of the international adjudication body in the first place. This unintended consequence benefits the adjudication body nearly as much as it benefits the violating states in that adjudication bodies cannot hope to prosecute cases that are not brought before them. Thus, if the individual complainants fail to bring cases, the international adjudication body cannot be expected to pay reputational costs when it inevitably fails to issue a punishment for the violations.

The story created here to explain the human rights behavior that we see internationally resonates fairly well with the charts and graphs presented in the previous chapter. It illustrates the reason why we see steady increases in the rate of human rights violations over time and why this increase is not explicitly related to states' capabilities to carry out punishment for human rights violations domestically. Here, I look to characterize aspects of this interaction formally. From the formal model in the following chapter, I derive hypotheses which I test formally in subsequent chapters.

WHY COORDINATE?

Consider, on one hand, two or more states which must decide whether or not they will violate human rights and, on the other hand, an adjudicating body that must eventually decide whether or not to punish violations that occur. Suppose that the state at hand, domestically, observes a low probability of punishment if it chooses to violate human rights and that, internationally, it observes a high probability of a punishment being issued and a low probability that the international enforcement mechanisms will carry out such a punishment because they are weak. Suppose further that this state observes, internationally, that a number of other states have the same low probability for domestic punishment as well as an incentive to violate human rights. Suppose still further that the adjudicating body in question, caring about its long term survival, prefers to issue a punishment when such a

punishment is likely to be carried out and *not* to issue a punishment if the punishment is unlikely to be carried out in an effort to safeguard the legitimacy of the organization. Under such circumstances, the coercion or communication of one state with another on the subject of violation becomes unnecessary because of the existence of two or more states with an incentive to violate and the possibility of decreasing the international likelihood of punishment by violating *to the same degree at the same time*.

Let us consider in more detail the decision-making process for potential violators. In order for a state to initiate coordinated human rights violations without either convincing or coercing others to violate with it, it must be strong enough to be a ``first mover''. We can typify ``first movers'' as being states with a low probability of domestic punishment, a high domestic incentive to violate human rights, and states that are, internationally, strong enough to defy much of the explicit punishment that they might receive from an international adjudication body. The question then becomes, for a state this strong, why is coordinated action necessary? Here, the purpose of rallying others toward coordinated action serves the purpose of decreasing even further the costs of human rights violations.

Bigger and/or more powerful states provide a benefit to their weaker coordination partners and receive nontrivial benefits from the participation of these partners in the coordinated violations that they commit. The benefit that these ``first mover'' states provide to states that choose to coordinate on violation with them is a decreased likelihood for international punishment from the adjudication body. This comes as a result of the influence that powerful states have in the context of international institutions. For the same reason that these ``first mover'' states are able to anticipate that they will be able to avoid punishment when they initiate the string of violations, weaker states can anticipate that these strong states will shield them from punishment if their violations are detected in an effort to continue to avoid detection and punishment themselves.

Why would coordinated violations lead to a decreased likelihood of punishment from an international adjudication body? International adjudication bodies for human rights treaties are

responsible for meting out punishment when domestic punishment mechanisms fail. These adjudication bodies have a desire to remain legitimate in the eyes of the international community in order to remain relevant and secure their continued existence. The loss of legitimacy for these institutions is most important to their continued survival when it occurs in powerful states because it is these powerful states that maintain the highest level of responsibility in continuing to pay the costs associated with the maintenance of these international institutions. Because these powerful states are the ones responsible for bring the institutions into existence and paying the costs for their continued existence, they expect that these institutions will not further raise the costs that they must pay in order to keep the institutions going. If these costs for continued existence do increase, the adjudication body can reasonably assume that if they rise past a certain level, the state will not continue to pay them. Thus, we have the characterization of a strategic interaction that occurs between two or more potential violators and an international human rights adjudication body in which powerful, ``first mover'' states are committing violations and, by doing so, lowering the likelihood of punishment and increasing the overall number of violators.

The question that remains, however, is why a powerful, ``first mover'' state really cares about whether other states violate with it or not. These states have the ability on their own to decrease the likelihood of international punishment because they have power over the institutions, so what do they gain from additional violators? They gain the ability to deflect both the *material* costs of punishment and the *reputational* costs of detection. Whether these ``first mover'' states are committing human rights violations at home or abroad, when other states are also committing violations, these ``first mover'' states can pass the reputational costs of violations on to their counterparts. In doing this, the ``first mover'' states minimize the material costs that the weaker states are less capable of paying by intervening on their part with the adjudication body, while passing on some of the reputational costs that the powerful state itself might have to pay to these weaker states who can, perhaps, better afford

to pay them. These weaker states have lower stakes when it comes to reputational costs and benefits because their own status as weak states mean that their actions in the international arena are not as much of a point of focus as those of their more powerful counterparts. Thus, while these weaker states may pay reputational costs at the domestic level as a result of their actions, the international reputational costs are likely to be paid on a smaller scale than they would be for the more powerful states. This means that while both powerful and weak states experience trade-offs as a result of their coordinated efforts, they stand to gain more from coordinating than they do if they violate in isolation.

MODELING HUMAN RIGHTS AS A COORDINATION PROBLEM

In order to model the stylized interaction characterized above, I consider a model of complete information between an international adjudication body, C, and two potential human rights violators, A and D, represented by the game tree in Figure 1. Each player in the game moves once and the game is repeated only once. The two potential violators (A and D) simultaneously choose between violating human rights and abstaining from such acts. The adjudication committee for the human rights regime may decide whether or not to issue a judgment as punishment for the alleged violations thereby encouraging associated institutions or states to organize the punishment of those judged to have violated human rights.

The preferences of the committee and the potential violator(s) are opposed. The committee prefers that no human rights violations occur because in the absence of violations, it is viewed as a legitimate and effective institution. However, when violations occur, the committee incurs costs to its legitimacy and, if it chooses, the cost of issuing a judgment. The potential violator(s) prefer to violate human rights with impunity so that they may reap the rewards of human rights violations without having to pay any costs. Furthermore, these potential violators hope that increased numbers of defection may make punishment more difficult for the committee and the regime members charged with the responsibility of punishing human rights violators.

This hope of safety in numbers is reasonable due to the inherent difficulty of initiating punishment caused by the fact that these adjudication bodies do not have their own associated body responsible for carrying out their judgments and monitoring the behavior of all members is left up to the members themselves. The committees associated with human rights agreements such as the UN Convention on Torture and the UN's International Conventions on Civil and Political Rights and Economic, Social, and Cultural Rights rely primarily on self-reporting from violating countries or from member states' duty to report when they observe violations from fellow members for the detection of human rights violations. Furthermore, they rely on outside entities to carry out the punishment of violators. Thus, the expectations of potential violators that punishment may be less likely when actions are coordinated is reasonable because as the number of coordinated violations increases, there are increasingly fewer states in the system which will exercise the duty to report and the likelihood of detection by the human rights committee decreases.

In the interest of fleshing out the sequence of moves and the payoffs received, we start with A and D's choice of whether or not to violate human rights. A decision not to violate human rights yields a payoff of 0, while violators that do not get caught for their violations receive a payoff of 1, meaning that they get to continue violating human rights and fighting for power. If a player decides to commit human rights violations, but gets captured for having done so, it pays a judgment, $j>0$, which could be thought of as time in prison or as some loss in trade for their indiscretions and would be decided by the relevant human rights committee. The cost of the judgment is offset by the number of violators, such that when a violator is punished, it pays j/n. This reflects the safety in numbers concept discussed above. Also of note here is the fact that the committee's decision to punish has an effect on violators' payoffs. This is due to the fact that international human rights committee decisions authorize the legitimate use of enforcement mechanisms by potential punishing entities. Because these committees have no mechanism by which they can independently punish those against whom a judgment has been issued or

by which they can materially compensate anyone else to punish human rights violators, no punishment can legitimately occur without some domestic entity with an interest in carrying out the punishment. Thus, it is reasonable to assume that a decision made to punish violators is based on whether a domestic court or international committee has issued an indictment and on a consideration of their own costs to do so. When A and D decide to commit human rights violations, they are individually punished with a common probability, *qϵ(0,1)*.

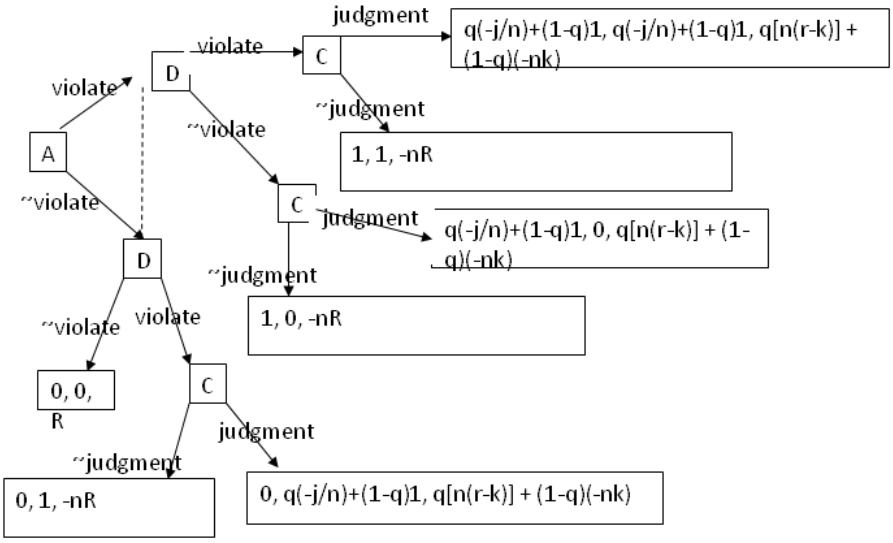


Figure 3.1: Coordination Game Tree

The Committee observes the choices of both A and D to violate or not violate human rights and then chooses whether or not to issue a judgment. If neither state commits a violation, the Committee continues to be perceived as legitimate and receives the benefits, *R*, as such. If a violation occurs and

the Committee chooses to indict, it receives *r>0* multiplied by the number of violators, *n*, if the violator is successfully captured. If the violator is not captured, the Committee *pays* the greatest cost, *R>0*, multiplied by the number of violators. The decision to punish also means that the Committee must pay the costs of issuing a punishment*, kϵ(0,1),* which can be thought of as the time and other resources that go into the monitoring efforts as well as the negotiations over the make-up of the judgment. If the Committee chooses not to issue a punishment, it does not have to pay the associated costs of doing so but it must pay *r<R* multiplied by the number of violators, *n*, for not upholding its stance against human rights violations. The reputational benefit of capture to the Committee is greater if it has issued a judgment because it can be argued that the punishment is an endogenous effect of the judgment having been issued. When the Committee chooses not to issue a judgment, it receives a smaller benefit because, while the punishment is exogenous, the Committee could still be argued to have affected the normative understanding held by the violator's punishers.

Term	Definition	Value Constraints
n	Number of Violators	n≥0
k	Cost of Indictment	kϵ0,1)
R	Cost/Benefit	r>0, R>r
j	Cost of Judgment	j>0
q	Probability of Capture	qϵ(0,1)

Figure 3.1: Model Notation

Equilibria

There are three pure strategy, Subgame Perfect Nash Equilibria (SPNE) that I will discuss for the model. Two of the pure strategy SPNE are characterized by the coordinated violations of A and D and vary only based on the Committee's decision of whether to issue a judgment. The other pure strategy SPNE is characterized by A and D's joint decision not to violate human rights.

Coordinating on Violation Equilibria

Here, there are two relevant equilibria. In both of the Coordinating on Violation Equilibria there is a decision made by both A and D to commit human rights violations, but in one the human rights

committee decides to issue a judgment and in the other it does not. When states coordinate their violations and are caught and punished the punishment that they receive is distributed across the group. This distribution may or may not be equitable, but it *is* shared. To the extent that each state has to pay at least some costs, the distribution of the punishment does not throw off their incentives to coordinate as much as it would if they had to pay 100% of the costs individually. Because the judgment paid by states for violating human rights is offset by the number of states violating, Proposition 1 explains that states prefer not to violate human rights if no other state is committing violations.

A state that violates alone pays the full judgment if caught and may perhaps be easier to punish because it does not benefit from the additional bargaining potential associated with fellow violators. These circumstances are, of course, most likely for weaker states, but even a relatively strong state that violates alone may be subject to some reputational costs for violations that are internationally known about and punished. These reputational costs can happen at both the international and domestic levels. At the international level, we can think about these reputational costs in the form of a decreased willingness of other states in the international community to cooperate with the violating state in question on human rights or other linked issues. On the domestic level, states punished for human rights violations can expect to pay certain audience costs, the extent of which, of course, are directly related to the state's regime type.

Proposition 1: *A and D will never violate human rights alone.*

The probability of punishment also emerges as an important factor for states to consider when deciding whether or not to violate. This probability must be sufficiently low in order for states to choose to violate human rights and is most easily met when the cost of the judgment, *j*, is low and the number of violators, *n*, is sufficiently high. Substantively, this means that if states can expect to pay a high judgment if a punishment is issued for their violation(s), they will refrain from committing the violation if they believe that they are likely to be punished. What factors might contribute to a state's beliefs about

the likelihood of punishment? In the context of the UN's Human Rights Committee, individual victims of violations are tasked with the responsibility of bringing a case before either a domestic or international adjudication body in order for a judgment to be issued. Thus, the likelihood for punishment hinges entirely on the likelihood that individual victims of the human rights violations committed will pursue justice at the domestic and international levels. The condition for the probability of punishment, *q*, that must be met in order for coordinated violation to occur is stated in Proposition 2.

Although this particular model only explicitly includes a maximum of two violators, the payoffs and results would remain the same even if there were many more than two states violating at one time. State A may violate human rights (even if D is not) as long as some other state is violating with them. Thus, we can easily see from the cutpoint given in Proposition 2 that as the number of states willing to violate human rights increases, the probability of capture becomes more and more likely to fit within the parameter. In other words, as the number of violators increases, it becomes more likely that the probability of punishment will be lower than the magnitude of the judgment in relation to the number of violators. Furthermore, as more and more violations occur, the price of the judgment must increase as well if violations are to be deterred. Thus, the Coordinating on Violations Equilibria can be thought of as bringing about a contagion effect where violations increase exponentially as soon as at least two human rights violators are identified.

Proposition 2: *A and D will coordinate their human rights violations when* $q \leq \frac{n}{j+n}$.

If the above conditions are met, A and D will coordinate on human rights violations. Having observed this behavior, the Committee must then decide whether or not it will issue a judgment. The Committee makes this decision based on the cost of issuing a judgment, *k*. This cost is associated with the time and effort that goes into hearing a case, making a decision on its admissibility, hearing both sides of the case, and, ultimately, making a decision based on the merits of the case. Many individual complainants end up bringing their case before an international adjudication body more than once

before the case can be deemed admissible and a decision can be issued. This means that a number of the cases that are heard by international adjudication bodies are heard multiple times, constituting a not insignificant cost in terms of time and effort spent by the adjudication body.

The condition highlighted in Proposition 3 is most easily met when the probability of punishment, *q*, and the reputational effects of upholding human rights, *r* or *R*, are large. This essentially indicates that, holding all other variables equal, the committee would rather issue a judgment when the reputational stakes are large and the probability that the punishment will be carried out is large than if the case will be long, drawn out, and tedious. However, if the case does stand to be time consuming, the reputational stakes must be so large that the committee's legitimacy and continued existence would be on the line. If these conditions are not met, we see the second equilibrium in which violators coordinate but the Committee does not issue a judgment.

Proposition 3: *The Committee will issue a judgment when the cost of the judgment is sufficiently low such that* $k < qr+R$.

Of note here is the fact that the actions of the Committee have little effect on A and/or D's decision to violate human rights. Regardless of whether or not the Committee issues a judgment, a state bases its decision of whether or not to commit violations on the behavior of other potential violators and on the probability of punishment. Because committees have no independent ability to exact the punishment, potential violators are unlikely to be as concerned about the actions of the Committee as they are about the actions of potential punishers. Although it should be noted that without a committee's decision to issue a judgment the probability of punishment is zero, it is also important to point out that even when a committee issues a judgment, the probability of punishment can take the value of zero. Thus, the probability of punishment is a more important consideration for potential violators than is the likelihood of a judgment against their behavior being issued by a committee.

Of equal interest here is the fact that the Committee does not base its decision to issue a judgment on the number of violators. The Committee issues judgments based on the cost of doing so which is directly affected by the associated reputational costs and benefits and the probability of punishment. Arguably, the reputational effects of issuing a judgment and the probability of punishment are closely related to the number of violators in the system, as discussed earlier. However, it is possible to imagine that the Committee's costs of indictment could be similar in a situation in which there are multiple low profile violators when compared to circumstances under which there are only two violators if both are high profile states. Here, we can see that even though the number of violators in the two scenarios varies, the reputational effects and the probability of punishment do not, meaning that the cost of issuing a judgment does not vary either.

Compliance Equilibrium

If the conditions set forth in Propositions 1 and 2 are not met, we expect to see the Compliance Equilibrium in which states coordinate their decision *not* to violate human rights. This means that if the probability that an individual state will be punished is high, it will choose not to violate and, thus, will not be coordinating with other states. However, as noted above, while the model here only explicitly shows an interaction between two states, this interaction is likely to be occurring between several states at any given time. Thus, a single state that views the likelihood of its own punishment to be high may not necessarily lead to an absence of violations in the system as a whole. In order for an individual state to suspect that the probability of its punishment is high, it would need to be the case that domestic measures for punishment are sufficiently strong or that the state's reputation in the international system makes its human rights behavior particularly visible. This visibility could be due to its role in the issue area as a leader or as a black listed member of the international community.

Proposition 4: *If the number of violators, n, is equal to zero or if the probability of punishment is sufficiently high, such that* $q \geq \frac{n}{j+n}$*, both A and D will choose not to violate human rights.*

For the Compliance Equilibrium, the most important constraint here is that of the probability of punishment, *q*. The rationality assumption dictates that the costs of an action must not outweigh the associated benefits. If punishment is likely, violators are more likely to pay a judgment than they are to receive the full benefits of violation. This means that individual states would be unwilling to consider violation in the first place unless they believe that the number of violators will outweigh the cost of the judgment. Here, the Committee's decision of whether or not to issue a judgment does not occur.

Model Implications

The model identifies important characteristics of behavior surrounding human rights norms and illustrates the conditions under which the norms are most likely to be upheld. In this section, I will discuss the model implications for each actor and use them to derive testable hypotheses.

Human rights violations in the system are common. The Coordinating on Violation Equilibrium provides an understanding of why this is the case. Because of the low level of enforcement capabilities available to human rights committees, we oftentimes see that it is the case that the probability of punishment is low enough for states to believe that if they coordinate their behavior and violate as a group, they are more likely to violate with impunity. This leads us to the first two hypotheses.

Hypothesis 1: *As the probability of punishment increases, states become more likely to coordinate their decision not to violate human rights and violation becomes less likely.*

Hypothesis 2: *A state will only commit human rights violations when their peers are also committing human rights violations.*

Human rights committees prefer to issue a judgment for human rights violations when the costs are low. Committees expect to pay reputational costs when violations occur and go unpunished. Conversely, these committees can expect to receive reputational benefits when no violations occur or when they occur and are punished successfully. The cost of indictment term represents the time and other resources that go into the process of monitoring and the decision-making process with regard to

determining the punishment. Pariah states with high levels of violations are likely to be associated with high reputational stakes for human rights committees. The costs of issuing a judgment for violations committed by these states are likely to be low because their violations tend to be highly visible, meaning that the international community is not only paying attention to the fact that violations are occurring, but also to the actions of the relevant human rights committee. This lowers the cost of monitoring for the committee and could even be argued to decrease the time and effort necessary to make a decision about what the punishment for these states should look like as the discussion is likely to have been carried out through less formal channels prior to the committee's formal deliberation.

One might understandably expect the cost of issuing a judgment to be high when the violations are being committed by great powers and states with a prior record of exemplary human rights behavior. When these two groups of states are the ones committing human rights violations, the time and effort expended in the process of issuing a judgment is likely to be great because these states are better able to throw a wrench in the process. Powerful states can prolong this process due to their potential to influence fellow violators against implicating them in the violations. They can further prolong the process due to the influence they can have as members of the committee over their fellow, weaker committee members. States with good reputations for upholding human rights agreements can increase the costs of issuing a judgment because their in-depth understanding of human rights laws can allow them to engage only in behavior that falls into a legal ``gray area''. Furthermore, like the great powers, these states are capable of influence over fellow violators and committee members by offering to trade favors and link issues in the future. These implications lead us to the third hypothesis.

Hypothesis 3: *As the number of powerful and/or typically well-behaved states committing human rights violations increases, the Committee becomes less likely to decide to issue a judgment.*

The Compliance Equilibrium, one might argue, will be observed less frequently than the Coordinating on Violation Equilibrium due to the fact that we often observe a low probability of capture

in the international system. Because many human rights committees are unable to incentivize outside actors to punish violators, states can generally expect to violate with impunity. However, we might expect the Compliance Equilibrium to be most likely when the majority of violations we have seen were being made by so-called pariah states with a long history of human rights violations. These states' actions are likely to be both more closely monitored by human rights committees and the reputational benefits associated with the issuing of judgments and punishments are likely to be higher. This leads potential punishers to be more motivated to punish human rights pariah states than they would be to punish great power violators or states with previously good reputations in the realm of human rights, thus leading to an eventual lack of violations occurring and no ability for states to coordinate violations. Great powers will be difficult to punish not only because their international economic and political power would lead the costs of bad relations with them to outweigh the reputational benefits of punishment, but also because their would-be punishers may be comparatively so much weaker that they do not have the resources for punishment in the first place. Where the punishment of those with a previously good reputation is concerned, efforts may be made difficult by norms of reciprocity. Potential punishers could be concerned that today's actions could put them at risk down the line were they to ever be in a position where they could gain from committing violations.

Hypothesis 4: *If there are no other violators or if the probability of punishment is too high, we expect to see a coordinated decision not to violate human rights.*

CONCLUSION

The model presented here predicts that states will prefer to violate human rights in groups or not at all when the probability of domestic punishment is low. It further predicts that international adjudication bodies prefer to punish when the costs to the body's legitimacy and future survival are low. These predictions seem, largely, to reconcile themselves with the empirical record depicted in the tables and figures from Chapter 1. First, we note an increase in the number of states violating human rights

over time. The number of states violating over time has likely increased due to the additional incentives that states have to violate when others are also violating. Second, we tend to notice violations in states where there is a low likelihood for domestically-based punishment. With the combination of a low likelihood for domestic punishment, ex ante, and a decreased likelihood for international punishment as punishment costs increase with higher numbers of violators, we expect to see the international violation rate increase over time.

From the model presented in this chapter, I derive four testable hypotheses, which I test in two empirical chapters. Hypotheses 1, 2, and 4 are tested in the following chapter, Chapter 4. The test for hypothesis 3 is in Chapter 6. This project also includes a third empirical chapter, Chapter 5, which tests hypotheses that are not derived from this model but which have direct implications for the interaction that is explicitly modeled here. While this model makes specific predictions about the strategic interaction that takes place between states considering committing human rights violations and international adjudication bodies, it does not model the interaction that takes place on the domestic level between states and the victims of the human rights violations.

However, we might easily imagine that the domestic interaction that takes place between a state that would consider violating human rights and a potential victim of human rights violations deciding whether or not to bring a case against violators would look quite similar to the interaction that is explicitly modeled in this chapter. In this interaction, the potential violator's preferences are the same as they are in the model above - to violate with impunity - and the costs and benefits are also the same. The set up of the preferences, as well as the costs and benefits, for the victim of human rights violations would be largely the same as those for the international adjudication body. Thus, the hypothesis that we might form about when a victim will bring a case would be essentially similar to hypothesis 3. We would expect a victim to bring a case when they have the time and resources to pay a lawyer to fight the

legal battle entailed in this process and when they are unlikely to be harmed for having brought the case. The following chapter begins the empirical section of this project.

CHAPTER 4: FRIENDS IN LOW PLACES

Chapter 3 develops a formal model meant, in part, to characterize the strategic choice that states make when deciding when to commit human rights violations. Here, I look to test the hypotheses regarding potential violators' decisions to commit human rights violations derived from the model. The logic developed by the model is fairly straightforward. It makes three predictions about the circumstances under which states will violate human rights. First, states are likely coordinate their human rights violations with peers in order to avoid the costs associated with a loss of reputation or with punishment. Second, when states can coordinate their actions so as to diminish the probability of detection and international punishment, they are more likely than not to commit human rights violations. Third, when the likelihood of punishment at the domestic level is also low, states are more likely to commit human rights violations.

The logic of the formal model in Chapter 3 is based on two important assumptions. First, states are rational actors and look to maximize gains while simultaneously trying to minimize losses. The hypotheses illustrate this logic by predicting that states prefer to violate human rights when they believe *all* forms of punishment, international and domestic, are unlikely. Second, states make this same assumption about other states. Here, I argue that states make the assumption that potential punishers, both international and domestic, are also trying to maximize benefits while minimizing costs. Thus, states coordinate their behavior in an effort to increase the costs of punishment for would-be punishers so that they are more likely to receive the benefits that they associate with human rights violations without being forced to pay the associated costs of committing such acts.

It is the second assumption that differs in an important way from previous work in the realm of human rights. While a great number of scholars argue that actors are rational and want to commit violations with impunity, the argument that they assume their potential punishers will use the same logic when deciding whether to punish their actions is made significantly less often. This second

assumption will be directly tested in Chapters 5 and 6, but until then, its reliability will be upheld by testing the two hypotheses regarding states' decisions to violate human rights. If states' ability to coordinate their actions do not increase the severity of violations and/or if a decreased likelihood of domestic punishment does not lead to the occurrence of more severe violations, the usefulness of the second assumption will be called into question.

In the next section, I will begin with a discussion of the research design, followed by a section characterizing the data used to test the two hypotheses in this chapter. The third section will serve to present the results from the statistical tests employed and a fourth section will include a discussion of the theoretical implications of the findings. The fifth section provides an overview of the robustness checks used to bolster confidence in the results. The following section provides a comparison of the explanatory power for the measures of coordination and punishment and a final section will conclude.

RESEARCH DESIGN

The focus of the empirical test employed in the present chapter is to determine the causes of states' decisions to either decrease or increase their level of respect for civil and political rights as defined in the UN's 1966 International Covenant on Civil and Political Rights. There are three main hypotheses developed in Chapter 3 that will be tested here. First, Hypothesis 1 predicts that states will choose to coordinate their behavior when faced with the possibility of punishment for their actions. Second, Hypothesis 2 says that states are more likely to lower their respect for human rights when they expect their peers to do so as well. Likewise, it predicts that when a state's peers are improving their respect for human rights, the state in question will do so as well. Next, hypothesis 4 projects that states are more likely to commit human rights violations when the probability of the punishment is low. I directly test Hypotheses 2 and 4 in the model. The support for Hypotheses 1 will come in the comparative statics for the model where I compare the effects of domestic punishment and coordinated behavior on state's propensity to change their human rights behavior from that of the previous year. In

order to find support for this hypothesis, coordination will have to be found to play a bigger role in explaining changes in states' behavior than does the potential for domestic punishment. There are several possible ways to measure the concepts of coordination and punishment and I discuss them and my choices here.

The Unit of Analysis

Because the phenomena of interest here is the coordinated behavior of two or more states, there is more than one possible unit of analysis to choose for this empirical test in this chapter. I have chosen to use the country-year for this analysis as it is the most straightforward option for looking at the phenomenon of interest here. While a unit of analysis such as peer-group-year might also seem like a good option for the unit of analysis here, its use here would provide a less straightforward test for the hypotheses I derive from the model in Chapter 3. While the model ultimately makes predictions about what behavior will look like within relevant peer groups, its specific predictions are about the individual decisions made by states that *result* in group-based behavior.

Thus, in order to determine whether *individual* states will decide to coordinate their human rights violations with those of their relevant peer groups, we must look at the behavior of individual states. While the use of the peer-group-year would be helpful in determining the answers to questions of whether some peer groups are more likely to violate human rights that others or if some are more likely to be punished than others, answering these questions are beyond the scope of this project. The use of the country-year as the unit of analysis allows us not only to look at individual state behavior and how that varies *within* peer groups, but it also allows us to step back and determine if some *types* of peer groups are more relevant than others to states faced with the decision to violate human rights. For this project, the country-year is the best choice for the unit of analysis.

The Dependent Variable

The type of human rights compliance that I analyze throughout the course of this project is that associated with civil and political rights in the context of the UN's 1966 International Covenant on Civil and Political Rights. My choice here is based on three factors. First, the ICCPR, in addition to the 1966 International Covenant on Economic, Social, and Cultural Rights is one of the longest standing international human rights treaties in force today. From a pragmatic standpoint, the use of a treaty organization that has been around for a long period of time extends the length of time over which I can analyze state behavior. Furthermore, because the ICCPR has been around for so long, states have had a significant amount of time to make sure that their practices are in line with the treaty provisions. There is no period of time in the data that I use in which the states included were not members of the treaty organization.

Second, because the ICCPR focuses on *negative* human rights (i.e. the freedom *from* certain types of treatment) rather than positive rights like those protected in the ICESCR, it is functionally easier to determine whether governments are choosing not to comply due to the provisions of the agreement rather than due to a lack of governmental ability to provide certain public goods to the constituents. Arguably, civil and political rights are more likely to be adhered to in democracies or democratizing states, but this is an element that is easily controlled for. However, this is not a human rights treaty with which compliance is eased significantly by the level of economic development of the state in question or by the strength of the welfare state. Because ``negative'' human rights enumerate behaviors with which states are encouraged to *abstain* from, it is easier to argue in favor of the analysis of this agreement. Many states can reasonably argue that they do not have the capacity to initiate certain domestic policies, such as social security, education, or health care due to their status as lesser developed states. On the other hand, LDCs are no less *functionally* capable than developed countries when it comes to allowing citizens to freely express themselves, practice their own religious beliefs, or freely move within

or outside of the state in question. States must merely *refrain* from punishing the free expression of these rights rather than initiating and funding whole new government programs.

Third, the analysis of both compliance and punishment associated with the ICCPR is facilitated by the relative transparency of the records for the Human Rights Committee, the adjudication body for both the ICCPR and the ICESCR. While other UN treaty bodies exist that deal with more specific subsets of the rights covered in the ICCPR, such as the Committee Against Torture or the Committee on the Elimination of Discrimination Against Women associated with the 1987 Convention Against Torture and the 1981 Convention on the Elimination of Discrimination Against Women, respectively, their records are not very transparent. These committees operate with the records of the interactions between the committee and the individual violating states being largely sealed. While this is unproblematic for the chapter at hand, it becomes extremely problematic for the analyses contained in the following two chapters which look at the punishment behavior of the Human Rights Committee which hears cases on all of these subjects.

Because I do not wish to commit the sin of omission and/or insinuate in any way that some forms of human rights violations are more important than others, I complete analyses in this chapter for three different types of human rights violations: physical integrity rights, covered in the ICCPR and the Convention Against Torture; empowerment rights, covered in the ICCPR; and women's rights, covered in the Convention on the Elimination of Discrimination Against Women. The analysis of the compliance rates with regard to a number of different types of human rights serves not only the purpose of inclusiveness, but also the purpose of providing the reader with additional robustness checks for the strength of the results in the initial model.

Defining the Term ``Peers''

Beginning with the concept of coordinated action and its operationalization, I limit my focus to the two measurement concepts that seem to be the most readily apparent. The concept of

coordination is rather simple. Action is coordinated when two or more actors agree to engage in behavior with a mind to reach some mutually beneficial outcome. In order for the actors' behavior to be said to be coordinated in the effort of reaching this mutually beneficial outcome, the actors must be said to be behaving strategically. In other words, actors must have prior knowledge of the effects that their behavior and the behavior of their counterpart will have on each other and on the probability that both actors will receive the mutually beneficial outcome. However, developing a decision rule useful in determining whether two states are peers, is perhaps, more difficult.

One way of conceptualizing of two or more states as being ``peers'' is to focus on regional similarities. The surge in regionalism as an approach to understanding international politics has grown in the last two decades in response to the rising number of regionally-based trade agreements and regional governmental organizations, with the European Union being the most notable example (Baldwin, 1993). While the fact that agreements can be made in a much more straightforward manner at the regional level than they are at the global level because decisions are easier to come by amongst smaller groups than they are amongst larger groups (Hermann, Stein, Sundelius and Walker, 2001; Tetlock, Peterson, McGuire and Chang 1992} is well-known, whether cultural and/or philosophical similarities across a region are a contributing factor to this phenomenon is not as well-known (Gurr, 1993). The amount of intra-regional and intra-state conflict that exists leads one to consider the possibility that geographical proximity may, in fact, magnify differences between states in the same region (Vasquez, 1993).

Despite the possible shortcomings associated with considering regional ties to be a way to operationalize the concept of peers, there are several advantages to using this particular conception. When we look at actual human rights practices and the way that international law has developed in this issue area, the concept of human rights ``neighborhoods'' does not seem to be much of a stretch. In 1954, when the ICCPR was drafted, the International Covenant on Economic, Social, and Cultural Rights

was also drafted. Said to be the product of the two opposing sides of the Cold War, these two agreements represented two different conceptions of what international human rights law should include. To this day, many regions are argued to have less than stellar human rights records due primarily to the fact that many of these regions conceive of human rights in a different way than is currently reflected by international law. Furthermore, a number of regional organizations exist in the area of human rights, including the African Commission and Court on Human and People's Rights, the Inter-American Commission and Court on Human Rights, and the European Court of Human Rights. The existence of regional commissions and courts could certainly be attributed to regional similarities in conceptions of what human rights practices should look like.

Alternatively, the concept of peers could be operationalized using policy similarities between states. Here, rather than constraining similarities between states to their region, we conceive of peers as transcending physical space and as being based on a policy space. The logic rests on the fact that even if states are not necessarily culturally similar, they may still engage in similar international behavior due to commonalities in the logic used to arrive at decisions or attempts to reach similar goals through their actions. That states behave rationally is a commonly made assumption, thus it is reasonable to believe that commonalities in states' domestic circumstances may lead them to engage in behavior at the international level that is rationally justified and similar across regions.

Because both the regional and policy-based conceptualizations of peers seem to be equally viable choices for use in the construction of the coordination measure, I will empirically test both in order to determine which (if any) does a better job of making predictions about improvements in human rights practices. In the data section below, I provide a detailed description of how each coordination measure is constructed and the descriptive statistics. A section that directly follows the robustness checks for the model evaluates the two measurement concepts for the coordination measure to explain what the empirical benefits of using each of these measures are.

Punishment

The test of the second hypothesis requires a reliable measure of an individual state's ability to punish human rights violations domestically. The logic here is that when punishment is likely at the domestic level, human rights violations become less likely in the first place and, in the event that they do occur, their effective punishment at the domestic level makes future violations less likely, thereby increasing states' levels of future respect for human rights. There are a few options that could get at a reliable measure for the likelihood of domestic punishment. One option that might be typically used to get at this concept would be the level of repressiveness of the government, but since this is inherently part of the dependent variable, it cannot be used here. This leaves us with two additional ways of conceptualizing the likelihood for domestic punishment.

The first of the remaining two options requires that we think about what affects governments' abilities to look upon human rights violations objectively. The most obvious way to do this is to look at the number of and organization of existing opposition groups within a given state. Domestic governments that face opposition groups that are both numerous and highly-organized are going to be more likely to view these groups as threatening than they would if the groups were few and had low levels of organization. This is entirely due to the fact that groups that are well-organized are more likely able not only to raise awareness of the government's mistreatment of them, but also to be able to retaliate against any aggressive actions taken by the government. Compounding the level of perceived threat of these groups by the government are the tactics used by the group to spread their message. Groups that choose to use democratic or, at least, non-violent channels in an effort to publicize their interests are unlikely to be viewed by governments as being as threatening as those groups that choose more violent means such as military action. When groups use methods considered to be less threatening to the government, the government is more likely to use legitimate channels for punishment to the extent that any punishment is necessary. Alternately, when groups act more

provocatively, it not only becomes more likely that they are engaged in activities worthy of punishment, but also that the government will ``fight fire with fire'', so to speak, and respond to these actions in a less demure way than they might otherwise have done.

Another option for operationalizing the punishment variable is more straightforward and involves a measurement of how independent the domestic judiciary system is. An independent judiciary is more likely to prosecute crime and mete out punishment using objective criteria. This method for measuring the punishment concept allows us to determine how likely it is that justice will be distributed based on domestic law as opposed to external factors like the violator's ideological similarities to the existing government or the depth of the violator's pocketbook. Thus, we get a good idea of how likely laws are to be upheld in the state regardless of the identity of the lawbreaker.

Based on the options available for measuring the punishment concept, it seems that an index of the two viable options would create the most complete and thorough measurement of the likelihood for domestic punishment. While states with an independent judiciary are more likely to dispense justice objectively, this ability may be detracted from to the extent that the government has to deal with a number of highly organized and hostile opposition groups. Thus, it seems logical to subtract one concept from the other, resulting in a score that gets higher as the judicial independence score *increases* and as the level of hostility and organization of opposition groups *decreases*. Consequently, the likelihood for domestic punishment would decrease when the level of hostility and organization for opposition groups are *high* and the level of judicial independence is *low*.

The Empirical Method

In order to test the two hypotheses of relevance to this chapter, I propose the use of an ordered logit regression, due to the fact that the dependent variable employed in the analysis cannot be said to be normally distributed, thereby violating the assumptions of OLS regression. The dependent variable used in the analysis is ordered in that as a state moves from a low level of respect for empowerment

rights to a higher level of respect for these rights, it receives a higher score than if its level of respect were to remain the same or to decrease. Because I have chosen to employ an ordered logistic regression technique for this analysis, the use of a lagged dependent variable typical in OLS time-series analysis is not appropriate here. Instead, I use a series of lagged dummy variables for two of the three values that the dependent variable can assume in the analysis in an effort to correct for serial autocorrelation.

THE DATA

The Cingranelli-Richards (CIRI) Human Rights Dataset contains standards-based quantitative information on government respect for 15 internationally recognized human rights for 195 countries, annually from 1981-2009. The internationally recognized human rights measured in this dataset include disappearance, extrajudicial killing, political imprisonment, torture, freedom of assembly and association, freedom of foreign movement, freedom of domestic movement, freedom of speech, electoral self-determination, freedom of religion, worker's rights, women's economic rights, women's political rights, women's social rights, and independence of the judiciary. For each of these internationally recognized human rights, CIRI codes range from zero to two for each country-year included in the dataset, with a measure of zero indicating that the violation occurred frequently, a one indicating that it occurred occasionally, and a two indicating that the particular type of violation did not occur in the year in question. I use the dataset to measure the occurrence of human rights violations consistent with violations defined in the United Nations' 1966 International Covenant on Civil and Political Rights (ICCPR), but expand my use of it beyond just empowerment rights for the robustness checks. The dependent variable in the fourth chapter is derived from the CIRI dataset's Empowerment Rights index, an additive index including scores on freedom of assembly and association, freedom of foreign movement, freedom of domestic movement, freedom of speech, electoral self-determination, freedom of religion and workers' rights. It is trichotomous, with a rating of -1 indicating that the state's

respect for civil and political rights has decreased in the past year, a rating of 1 indicating the state's respect has increased over the course of the year, and a 0 indicating no change.

Hypothesis 2 says that states are more likely to commit human rights violations when they expect their peers to do so as well. In order to get at the first hypothesis, it will be necessary to use the CIRI dataset to determine whether the potential for coordination of violations in the international system affects potential violators' decision-making processes. We must determine whether states' decisions to violate are actually influenced by *who* is violating. In order to do this, I will include a variable identifying the percentage of the state's peers that are committing human rights violations *to a lesser degree* than them for the previous year by counting the number of the state's peers receiving a *higher* score on the Empowerment Rights Index for the year in question and dividing that number by their total number of peers. As discussed above, I employ two different measurements of the concept of ``peer groups'' amongst states.

The first measure employed in the analysis to denote ``peer groups'' is a regional one. I use the same regional classification as the United Nations, which divides states into both regions and subregions. In order to achieve the highest possible level of measurement validity, I code states using the subregion classification system. The UN divides states into twenty-one subregions. The region of Asia is divided into Southcentral Asia, Southeast Asia, Western Asia, and Eastern Asia. The region of Europe is divided into Southern Europe, Western Europe, Eastern Europe, and Northern Europe. Africa is divided into Northern Africa, Middle Africa, Southern Africa, East Africa, and Western Africa. Latin America and the Caribbean are divided into the Caribbean, South America, and Central America with Mexico included in the Central American region. North America is both its own region and subregion. Oceania includes Micronesia, Melonesia, Polynesia, and Australia and New Zealand. Once states are coded into subregional groups, the measurement begins to resemble that created for the policy ``peer group'' measure that is discussed below. I first created a count variable of the number of other states in

the region that showed a *higher* level of respect of empowerment rights than the state in question and divided that number by the total number of states in the subregion. Thus, I end up with a variable that denotes the *percentage* of states in a given state's region that are showing a higher level of respect for empowerment rights than the state in question.

The second measure of ``peer groups'' is derived from Gartzke and Jo's (2002) spatial measure of foreign policy similarity, which measures how close states are to one another with regard to their foreign policy portfolios by comparing vectors made up of observed policy choices using S values as conceived of by Signorino and Ritter's (1999). The values for this index range from -1 (least similar interests) to 1 (most similar interests). I use a threshold of .75 and above as it indicates that the two states' choose similar policies at least 75% of the time, leaving less need to question whether the similarity truly makes the two states ``peers''. The Gartzke and Jo (2002) data exists only up to 2000, which puts additional constraints on the sample above those set by the CIRI dataset. Thus, my sample will analyze cases over the date range of 1981 to 2000. I expect a *positive* relationship between this variable and the dependent variable, due to the fact that a high score on the dependent variable indicates that the state has increased their level of respect for empowerment rights in the past year and high score on the coordination measure indicates that a smaller percent of the state's peers are committing violations.

I employ both the regional coordination measure and the policy coordination measure in two separate models in the following section in order to illustrate which type of coordination better predicts changes in a state's behavior where respect for civil and political rights is concerned. For both of these coordination measures, I expect to see a *positive* relationship between them and the dependent variable as increases in both measures denote an increase in the percentage of a states' peers that are engaged in behavior that constitutes a *higher* level of respect for empowerment rights than the state in question. Higher levels of coordinated respect for human rights in a state's peers, according to the

hypothesis should lead the state in question to follow the example and engage in better human rights practices themselves.

Hypothesis 4 projects that states are more likely to commit human rights violations when the probability of the punishment is low. In order to measure states' domestic capabilities to punish, I propose the use of an index including a measure of judicial independence found in the CIRI dataset and a measure of oppositional group cohesion found in the Minorities at Risk (MAR) dataset (Gurr, 1993). CIRI's judicial independence measure is trichotomous, ranging from 0 to 2 with a zero indicating that judiciary is not at all independent, a one indicating that it is partially independent, and a two indicating that the judiciary is generally independent. In order to arrive at the measure for the punishment index, I subtract the judicial independence measure to the oppositional group cohesion measure found in the MAR dataset.

The oppositional group cohesion measure ranges from 0 to 5, with a measure of zero indicating that no political movements or organizations representing group interests are reported. A measure of one is assigned when group interests are promoted by umbrella organizations (parties, unions, etc.) that also represent other collective interests. A measure of two is assigned when group interests are promoted by one or more conventional political movements or parties that are supported mainly or entirely by the group in question. A three indicates that group interests are promoted by both conventional political movements and parties and militant organizations. A rating of four is assigned if the ratio of support between conventional and militant sources is tipped further in the direction of militant organizations than towards conventional organizations. A measure of five is assigned if the group's interests are promoted exclusively by militant organizations. Thus, the punishment index ranges from -5 to 2. Here, I expect a positive relationship between the punishment measure and the dependent variable, due to the fact that a high score on the punishment variable indicates a greater

domestic capability for punishment and a high score on the dependent variable indicates that the state has increased their respect for empowerment rights.

Subtracting the oppositional group cohesion measure from the judicial independence measure yields a score that is highest when the state has a high degree of judicial independence and is dealing with unorganized opposition groups. It is lowest when the oppositional groups are highly organized and the judiciary is not independent. The logic for measuring the probability of punishment in this manner is simple. A state with a highly organized, militant oppositional group is unlikely to police its own bad behavior. It *is* likely to police any bad behavior on the part of the opposition group. Thus, even a state with a high level of judicial independence is unlikely to punish itself for human rights violations because suffering those punishments would make it worse off relative to the opposition group. A state with low judicial independence and no opposition group does not have to worry about relative losses if it receives punishment for human rights violations, but it does lose something by being punished, so it is better off than the state with the highly organized opposition group but worse off that a state that has both no opposition groups in terms of the likelihood that it will successfully punish human rights violations. States with high levels of judicial independence and no oppositional groups to worry about are most likely to successfully punish human rights violations because doing so would facilitate their continued status as a state with no oppositional groups because of their good record with dispensing justice when human rights violations do occur. Because these opposition groups, however highly organized, have no legal and/or legitimate means of punishing human rights violations (or anything else, for that matter), their existence and level of organization would *not* facilitate punishment. Any punishment at the hands of oppositional groups would constitute a human rights violation in itself.

Controls

In addition to testing Hypotheses 2 and 4, it will be important to introduce a few control variables into the analysis. First, I include a measure of regime type, by employing the Polity IV data

collected under the direction of Monty G. Marshall. Lower scores (-10 to 0) indicate that the state is classified as being more autocratic, while higher scores (0 to 10) indicate that the state is considered to be more democratic. Here, I expect a positive relationship indicating that more democratic states tend to better protect their citizens' human rights, although it should be noted that some have found anocracies (states falling in the range of (-5 to 5) tend to have a greater respect for human rights due to their need to add legitimacy to new regimes (Fox and Sandler, 2003).

Second, I include a control measure of per capitized GDP in constant US dollars, collected by the World Bank, due to the fact that poverty can underscore distributional conflicts at the domestic level. I expect the relationship between GDP per capita and the dependent variable to be positive, indicating that increased income should be associated with increased respect for citizens' empowerment rights. Finally, population density (per kilometer), collected by the World Bank, has been found to exacerbate problems associated with resource scarcity, increasing the likelihood for human rights violations (Poe and Tate, 1994). Thus, the relationship between population density and the dependent variable should be negative due to the fact that higher population density would mean that the struggle for resources is more pronounced and a lower level of respect for empowerment rights would be expected.

In chapter four, I estimate the models using an ordered logit regression. Again, because it is not appropriate to control for autocorrelation through the use of a lagged dependent variable, I include a dummy variable for each value of the dependent variable indicating states' human rights practices for the past year in this model is a way to address the problem of autocorrelation. Below is the regression equation for chapter four, followed by Table 1, which include the descriptive statistics for the independent and dependent variables in Chapter 4.

$$VIOLATE_{it} = \beta_1 COORDINATION_{it-1} + \beta_2 PUNISH_{it-1} + \beta_3 LOGPOPULATIONDENSITY_{it-1} + \beta_4 LOGGDPPC_{it-1} + \beta_5 REGIMETYPE_{it-1} + \beta_6 VIOLATE(-1)_{it-1} + \beta_7 VIOLATE(1)_{it-1}$$

Analyzing the Distribution of the Key Variables

Variables	Minimum	Mean	Maximum
Change in Respect for Empowerment Rights	-1	.205	1
Policy Coordination	0	.280	1
Regional Coordination	0	.112	.830
Punishment	-5	.775	2
Population	.095	3.998	9.702
GDPpc	4.506	7.616	11.668
Regime Type	-10	1.780	10

Table 4.1: Descriptive Statistics for the Variables, 1981-2000

Looking at Table 4.1, it is important to note that the average for both of the coordination measures is skewed toward the lower end of their distribution, meaning that states tend to observe fewer than 50% of their peers who are doing a better job of respecting empowerment rights than they are. Furthermore, the punishment variable is skewed in the opposite direction, toward the higher end of its distribution, meaning that there is a high possibility for punishment at the domestic level in a majority of the cases included in the analysis. The distribution of these two independent variables will be important to keep in mind when looking at the regression estimates as well as the predicted probabilities which are reported below.

Table 4.1 also provides the distribution of the dependent variable over time. The distribution of the dependent variable shows that states are slightly more likely to increase their respect for empowerment rights than they are to decrease their level of respect for these rights. This is a trend that warrants hopefulness that fewer states are egregiously committing violations against citizens' empowerment rights over time. Fortunately, the mean here reflects that the dependent variable does not seem to be highly skewed in one direction or another.

Because the punishment variable is skewed to the higher end of its range and the expected relationship between it and the dependent variable is positive, we can expect more reliability in the predicted probabilities for higher levels of the dependent variable than at the lower end. A higher probability of punishment should lead states to be more likely to increase their respect for

empowerment rights over time. While the dependent variable is rather equally distributed, there are a greater number of cases that fit into the high categories of the punishment variable. This means that it is at this end of the punishment variable's distribution that we will need to look in order to determine the extent to which the relationship exists.

The relationship between the coordination variable(s) and the dependent variable will also be affected. Although the dependent variable is significantly less skewed than either of the coordination variables, the skewness of the coordination variables will bias the strength of the relationship downward. The posited relationship between the coordination variable and the dependent variable is positive, meaning that higher levels of coordinated respect for empowerment rights should result in changes toward higher respect for citizens' empowerment rights. Since fewer states have a positive coordinated influence coming from either their regional or policy-based peer groups, we expect more reliable predictions to be made by these lower values of the coordination variable. Thus, we expect the coordination variable to do a better job of predicting lower levels of the dependent variable than for the higher levels of the dependent variable.

RESULTS

Table 4.2 reports the ordered logit estimates for the Chapter 4 regression equation. The estimates support both of the hypotheses for this chapter. First, the estimate for the regional coordination measure is highly significant and illustrates that states base decisions about today's human rights violations on yesterday's human rights behavior of their peers. Second, the punishment estimate is also significant and positively correlated with the dependent variable, meaning that as the likelihood for domestic punishment increases, the likelihood of more severe human rights violations also increases. Another notable effect that emerges from the model is the lack of significance for the GDP per capita and population density control variables, which illustrate that when states see that there is safety in numbers from international punishment, a lack of apparent distributional conflict may not decrease (or

increase) the likelihood that they will decrease their level of respect for civil and/or political rights. The regime type control variable is appropriately signed and significant, as expected.

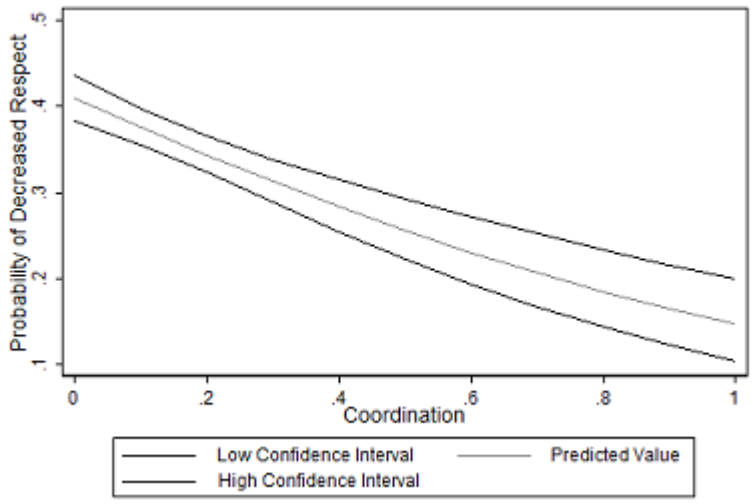
Variables	Estimates[1]	Standard Errors
Coordination	1.419***[2]	0.24
Punishment	0.064**	0.03
Regime Type	0.018**	0.01
GDPpc	-0.027	0.03
Population Density	-0.014	0.03
LagPR(Y=-1)	0.874***	0.11
LagPR(Y=1)	0.289***	0.11
X^2 = 116.99***	Log Likelihood = -2363.01	N = 2268

[1]Note: All estimates are ordered logit, unless otherwise specified. The numbers in parentheses are panel-corrected standard errors.
[2]*** p≤.001; ** p≤.05; * p≤.10

Table 4.2: Effects of Regionally Coordinated Action on Empowerment Rights, 1981-2000

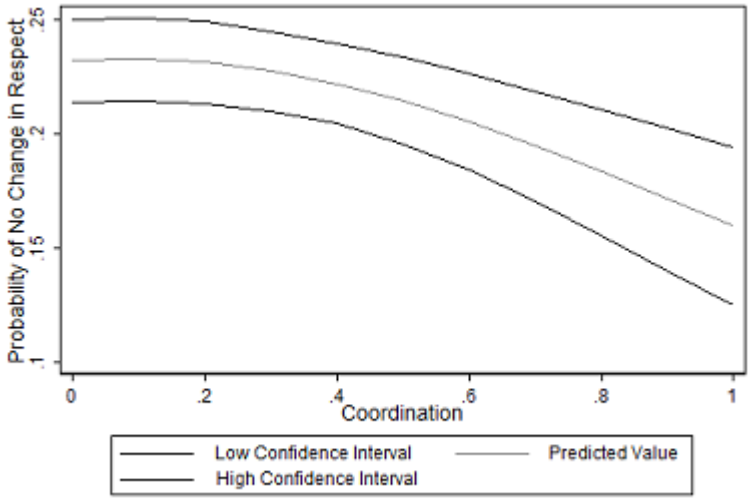
Due to the difficulty in taking away meaningful conclusions when looking at the log odds estimates provided within ordered logit regressions, I provide line graphs in order to display the relationship between the independent variables of interest in the analysis and the predicted probabilities for each value of the dependent variable. Figures 4.1, 4.2, and 4.3 illustrate the relationship between the regional measure for coordination and the predicted probability that an observation will fall into each category of the dependent variable. Figures 4.4, 4.5, and 4.6 depict the same relationship using the punishment measure in place of the regional coordination measure.

Figure 4.1 illustrates a clear downward trend in the number of cases that decrease the level of respect that they show for empowerment rights as the number of their peers who exhibit higher levels of respect than they did in the previous year increases. This shows strong support for Hypothesis 2, which predicts that states will not lower their level of respect for human rights unless their peers are also doing so. It is also important to note that because there are fewer cases of coordination rates above 50%, the 95% confidence interval gets marginally wider for these values. However, even at their widest points, the confidence intervals are no higher than plus or minus 0.05, indicating that the predicted values should evoke a fairly high level of confidence in the ability of the regional coordination model to make predictions about human rights behavior.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.1: Coordinating Decreased Respect in the Regional Model

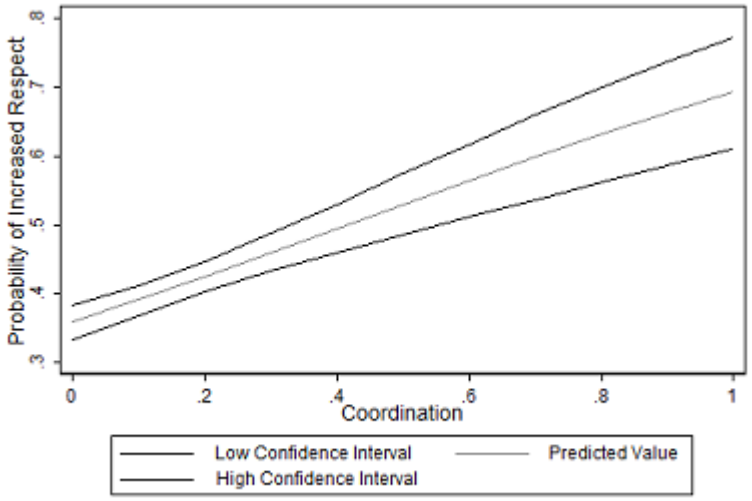


Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.2: Coordinating Unchanged Respect in the Regional Model

Figure 4.2 shows a fairly flat line, with a difference of only 0.07 between the highest and lowest points in the line. Again, this is what we expect to see here, based on the prediction make by Hypothesis 2. States that make no changes to their level of respect for human rights are unlikely to be states with a high percentage of their peers showing a higher or lower level of respect for human rights than they are. In other words, we expect this line to be relatively flat because states that make no

change are likely to stay the same because their peers were engaging in human rights behavior that was similar to their own. It is important to remember that the dependent variable measures a change in behavior and not the level of respect for human rights. Thus, those states that have received a 0 on the dependent variable show very diverse levels of respect for empowerment rights.



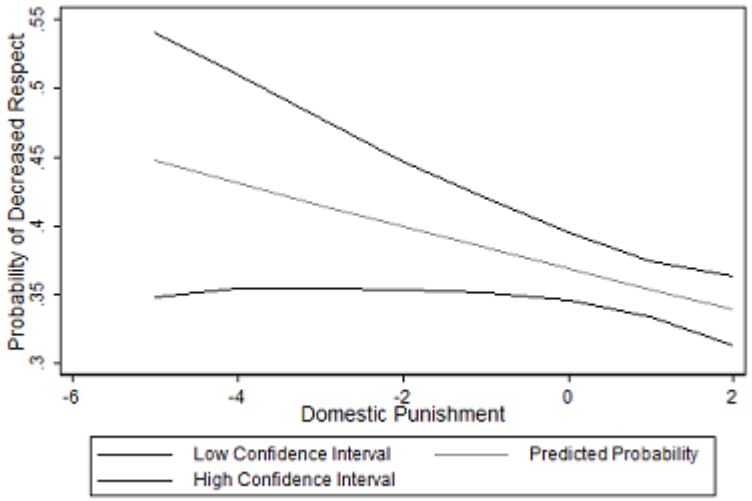
Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.3: Coordinating Increased Respect in the Regional Model

Figure 4.3 shows the upward trend between the regional coordination variable and the probability that states will *increase* their level of respect for empowerment rights. Again, we see evidence of the validity of Hypothesis 2 here. Based on the predictions from the model presented in Chapter 3, we expect to see an increase in the number of states that *improve* their respect for empowerment rights as the number of their peers showing a higher level of respect increases. Figures 4.1, 4.2, and 4.3 show that states tend to emulate the behavior of their regional peers when it comes to their respect for empowerment rights. These figures also show that the relationship between the regional coordination variable and states' behavioral changes is a strong one.

Where the punishment variable is concerned in the regional coordination model, Figures 4.4, 4.5, and 4.6 illustrate support for the second hypothesis. Figure 4.4 illustrates that the probability that states will show a decreased level of respect for empowerment rights, PR(Y=-1), is lower when the

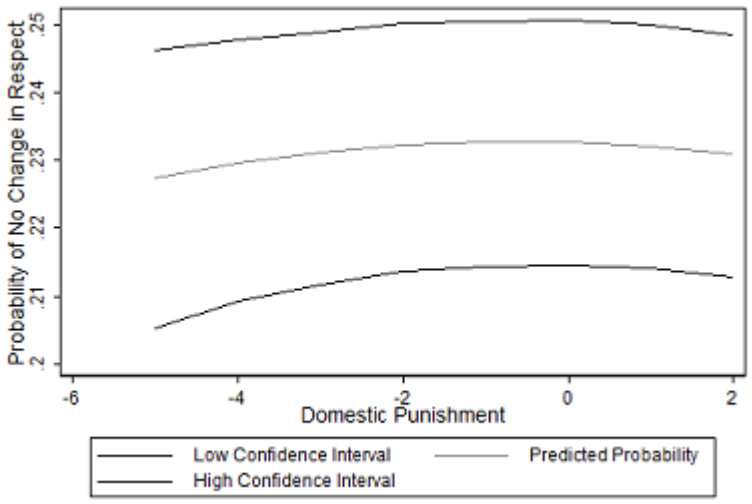
probability of punishment is high. It is important to note that the confidence interval is larger for the lower range of the punishment variable due to the fact that there are a smaller number of cases that fall into the lower range than at the higher range. It is also possible to discern from this graph that the punishment variable seemingly has a smaller effect on the dependent variable than does the regional cooperation variable.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.4: The Effect of Punishment on Decreased Respect in the Regional Model

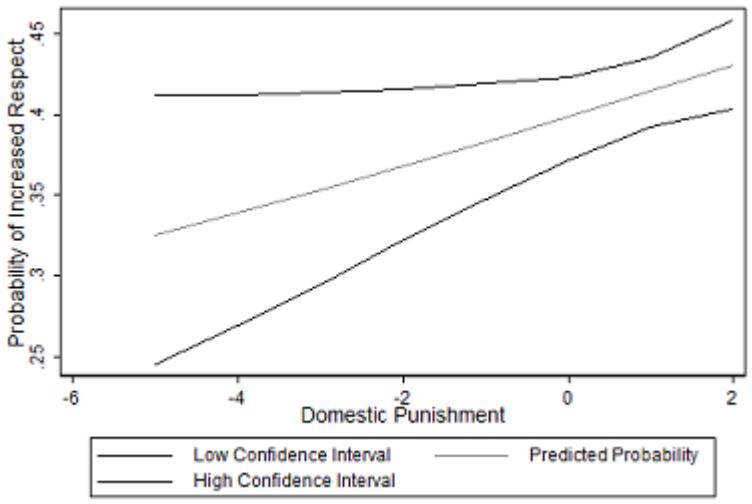
Figure 4.5 shows the ability of the punishment variable to predict the probability that states will maintain their level of respect for empowerment rights from one year to the next. Here, the graph depicts a nearly flat line, which is expected. We would expect that a change in the probability that domestic punishment will occur would result in a change in the probability that states will alter their level of respect for empowerment rights. Thus, when states maintain a fairly constant level of respect over time, we would expect that this is, in part, due to a fairly constant probability for domestic punishment.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.5: The Effect of Punishment on Unchanged Respect in the Regional Model

Figure 4.6 illustrates that the probability that states will increase their level of respect for empowerment rights, PR(Y=1), is higher when the probability of punishment is also high. As was the case with Figure 4.4, we can see that the slope of the line is rather small, indicating that one unit increase in the probability of domestic punishment does not lead to a large increase in the probability that a state's respect for empowerment rights will also increase. However, the positive effect is discernible, and this lends credence to Hypothesis 4. Here, again, we see a wider margin in the confidence interval in the lower range of the punishment variable due to the smaller number of cases that fall into this range. However, the margin of the confidence interval tightens as the magnitude of the punishment variable increases.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.6: The Effects of Punishment on Increased Respect in the Regional Model

Table 4.3 reports the ordered logistic regression results for a model that is exactly similar to the model presented in Table 4.2 with one exception. The model estimates in Table 4.3 illustrate the estimates derived when the policy coordination measure is used in place of the regional coordination measure. There are a few noticeable differences between the estimates presented here and those presented in Table 4.2. First, while the policy coordination variable is still highly significant and appropriately signed, the standard error is lower here and magnitude of the coefficient has increased. Another important difference, this time associated with the estimate for the punishment variable, is that the magnitude of the coefficient has decreased along with the level of significance associated with the prediction, while the standard error remains the same. The final difference between this model and the previous one deals with the controls. Here, the regime type estimate decreases in magnitude and significance from the estimates provided in Table 4.2, while the GDP per capita measure gains significance. The population density measure remains insignificant to the model here. One possible explanation for the differences in the effects of the control variables in the two models is that GDP per capita may be subject to some level of spatial autocorrelation, rendering it collinear with the regional coordination measure used in the model present in Table 4.2. The variation in the estimates for the

regime type variable between the two models may be due to some level of multicollinearity with the policy coordination variable - states with similar regime types may be likely to also engage in similar types of policy pursuits.

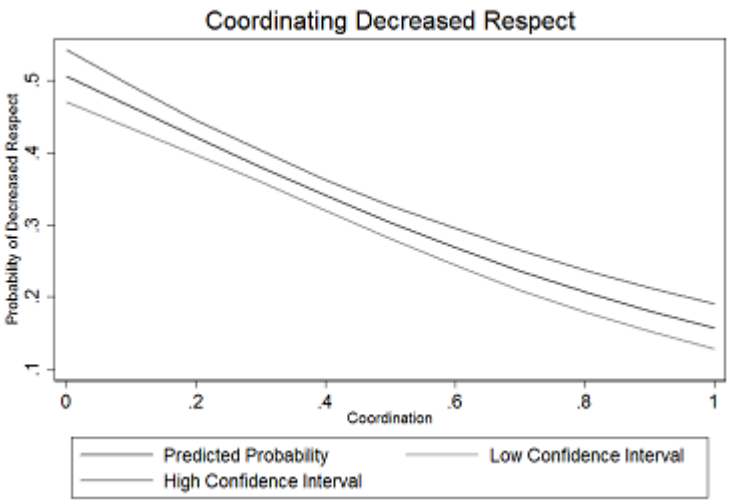
Variables	Estimates[1]	Standard Errors
Coordination	1.719***[2]	0.18
Punishment	0.053*	0.03
Regime Type	0.012*	0.01
GDPpc	-0.075**	0.03
Population Density	0.022	0.03
X^2= $182.38***	Log Likelihood = -2244.47	N = 2189

[1]Note: All estimates are ordered logit, unless otherwise specified. The numbers in parentheses are panel-corrected standard errors.
[2]*** p≤.001; ** p≤.05; * p≤.10

Table 4.3: Effects of Policy-based Coordinated Action on Empowerment Rights, 1981-2000

As for the previous model, I provide line graphs that illustrate the relationships between the dependent variable and the policy coordination and punishment variables, respectively. Figures 4.7, 4.8, and 4.9 illustrate the relationship between the policy coordination variable and each value of the dependent variable. Figures 4.10, 4.11, and 4.12 show the relationship between the domestic punishment variables and each value of the dependent variables. All other variables are held at their means and CLARIFY was used to generate the predicted probabilities depicted in the graphs (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). I describe the implications of each below.

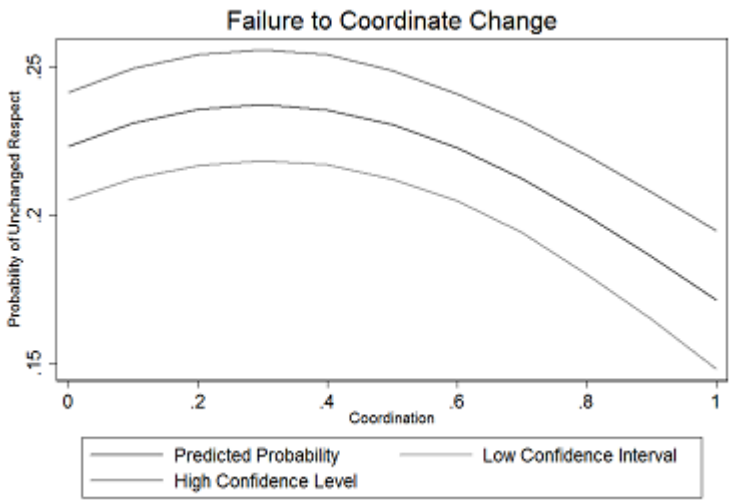
Figure 4.7 shows that the probability that a state will decrease their level of respect for empowerment rights, PR(Y=-1), is higher at the lower levels of the coordination measure. This provides support for the hypothesized positive relationship between the policy coordination variable and the dependent variable. Further, we see that the slope of the line here is quite large, indicating that the relationship is a strong one. Additionally, because the margin of the confidence interval is quite small, it indicates that the relationship depicted here is a reliable one.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.7: Coordinating Decreased Respect for the Policy Model

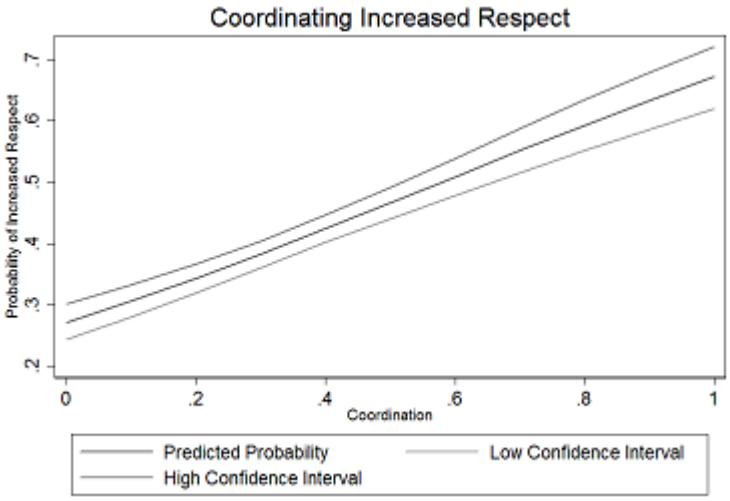
Figure 4.8 shows a line that is slightly parabolic in shape, indicating that the states that fall into the middle range of the policy coordination variable are those most likely not to make changes to the level of respect that they show for empowerment rights. Intuitively, this is what we expect to see for this value of the dependent variable based on the prediction made by the first hypothesis. States that observe a very high or very low percentage of their peers behaving better than them should be making changes to their own behavior, whereas those that see a mixed behavior from their peer group may be more likely to base their decision on how to behave on some other type of information because the influence of their peers is unclear. This may be a situation where states look below the level of the peer group to try to emulate the behavior of specific peers - perhaps their most powerful peers.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.8: Coordinating Unchanged Respect in the Policy Model

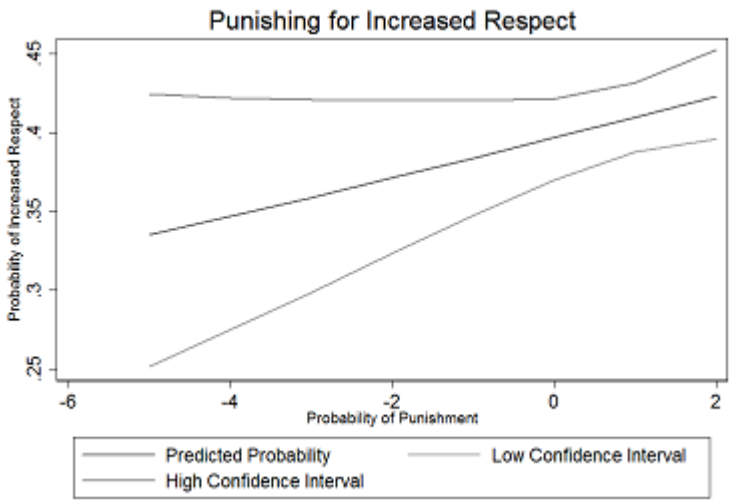
Figure 4.9 provides further support for Hypothesis 2 for the policy coordination measure, illustrating that an increase in the probability of respect for empowerment rights, PR(Y=1), becomes more likely as the number of a state's peers that have comparably higher levels of respect for empowerment rights increases. Once again, we observe a steep slope indicating that there is a strong relationship between policy coordination and states' decisions to improve their respect for empowerment rights. Here, the confidence interval expands for higher values of the policy coordination variable, again, likely due to the fact that fewer observations fall into these values. However, the increased margin for the confidence intervals for these higher values of the policy coordination variable is not cause for concern about the reliability of the estimates.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.9: Coordinating Increased Respect for the Policy Model

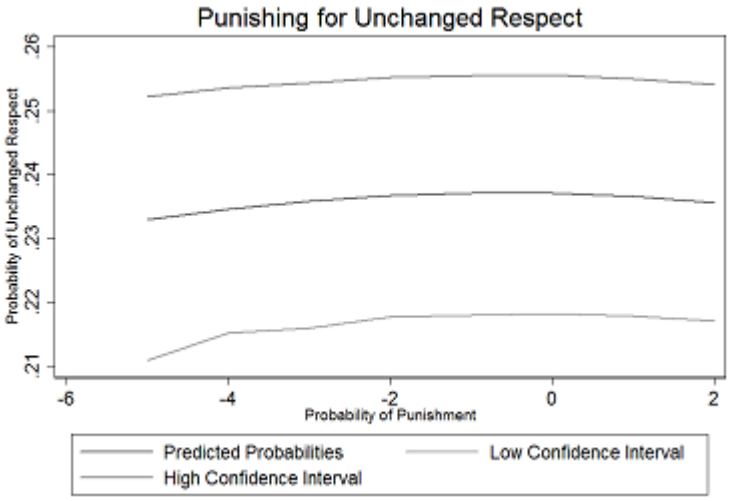
The hypothesized positive relationship between the probability of punishment and the change towards increased respect for empowerment rights is supported in Figure 4.10 as well. The figure illustrates that when the probability of punishment is low, we see a higher likelihood that states will show decreased levels of respect for empowerment rights, PR(Y=-1). This illustrates that those subject to domestically-based punishment for their human rights violations are more likely to abstain from violations than those that are likely to get away with such behavior domestically. As with the figures illustrating the relationship between punishment and the dependent variable for the regional cooperation model, we see that the confidence interval is wider for lower levels of the punishment variable due to the fact that fewer cases fall into this part of the variable's range.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.40: The Effect of Punishment on Increased Respect in the Policy Model

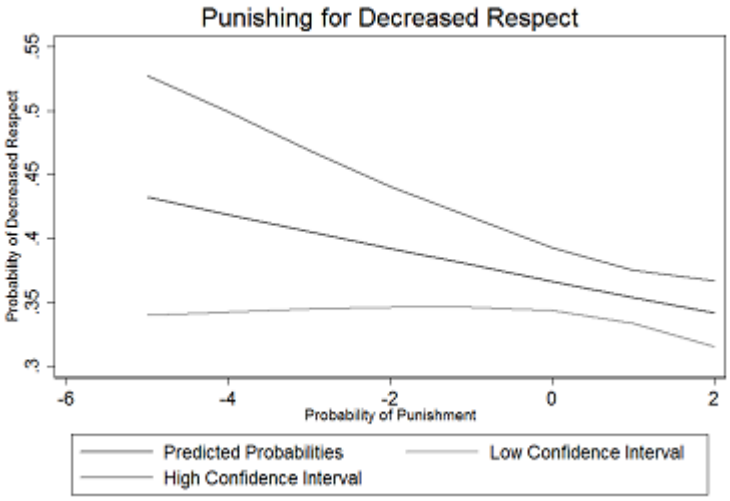
Figure 4.11 shows that the slope illustrating the relationship between the punishment variable and the probability that a state will not change its respect for empowerment rights is rather low. The confidence interval here is tight indicating that the relationship depicted is quite reliable. We expect a low slope for this relationship for the same reasons that were explained for Figure 4.5. States that do not change their level of respect for empowerment rights are unlikely to have experienced much change in the probability of domestic punishment. If they had, Figures 4.10 and 4.12 illustrate that they would have changed their level of respect.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.51: The Effect of Punishment on Unchanged Respect in the Policy Model

In Figure 4.12 we see that when the probability of punishment is high, the probability that states will increase their respect for empowerment rights, PR(Y=1) is also higher. As was the case in Figure 6, we see that while the magnitude of the slope is low, there is a distinct upward trend. This trend is especially apparent for the upper values of the punishment variable. The confidence interval, again, is wider for lower values of the punishment variable and smaller for the higher values. Thus, we can conclude with confidence that a positive relationship exists between the probability of domestic punishment and changes towards higher levels of respect for empowerment rights even if the magnitude of the relationship is rather small.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 4.6: The Effect of Punishment on Decreased Respect in the Policy Model

ROBUSTNESS CHECKS

It is important to consider the robustness of the results by determining whether the effects hold for other types of human rights violations. Thus, I look at the effects of the same set of independent variables against two additional human rights measures: women's rights and physical integrity rights. Both measures come from the CIRI dataset and cover the same years that the Empowerment Rights Index covers. These robustness checks illustrate whether the effects of the two variables of interest here, coordination and the probability of punishment, are consistent across different types of human rights practices. They further serve the purpose of illustrating whether the regional or policy coordination variable might be a more reliable measure of coordination based on one measure's ability to make better predictions for more types of human rights practices than the other.

Women's Rights

For the first robustness check, I have created an index of the three women's rights indicators included in the CIRI dataset, including women's economic rights, women's social rights, and women's political rights. The economic rights indicator takes into consideration women's abilities to choose where and when they will work, to gain equal pay for their work, job security, and other related factors.

The women's social rights included range from the freedom from such practices as sterilization and genital mutilation to certain freedoms expected when entering into marriage and the right to education. Women's political rights taken into consideration in the index include their right to vote in elections, run for office, hold office for elected or appointed positions, join political parties, and petition government officials. Each of the three indicators ranges from 0 to 3 with a score of 0 indicating that the rights were not guaranteed by law in the given year, a score of 1 meaning that the rights were guaranteed in law but not in practice, a score of 2 illustrating that the rights were guaranteed in law and moderately prohibited in practice, and a score of 3 indicating that the rights were guaranteed in law and practice. As with the empowerment rights models above, I employ a trichotomous dependent variable that measures change, with a -1 indicating a decrease in respect for women's rights from the previous year, a 1 indicating an increase in respect shown, and a 0 indicating no change from the previous year.

The two coordination measures used here are calculated in exactly the same way as those used for the empowerment rights models above. I created a count variable of all of a given state's regional *and* policy peers who received higher scores than it did on the women's rights index in the previous year and divided that number by the total number of peers for that state in the given year, yielding percentages of both the state's regional and policy peers who showed a higher level of respect for all types of women's rights that it did in the year prior. Table 4.4 provides the estimates for the first robustness check model, which employs the regional coordination variable. Table 4.5 illustrates the estimates associated with the second step of this first robustness check by showing the estimates associated with the use of the policy coordination variable.

Variables	Estimates[1]	Standard Errors
Coordination	1.916***[2]	0.29
Punishment	0.064**	0.04
Regime Type	0.005	0.01
GDPpc	0.035	0.03
Population Density	0.001	0.03
X^2 = 236.06***	Log Likelihood = -1884.91	N = 2268

[1]Note: All estimates are ordered logit, unless otherwise specified. The numbers in parentheses are panel-corrected standard errors.
[2]*** p≤.001; ** p≤.05; * p≤.10

Table 4.4: Effects of Regionally Coordinated Action on Women's Rights, 1981-2000

When comparing the results for the women's rights models in Tables 4.4 and 4.5 with the estimates for the empowerment rights in Tables 4.2 and 4.3, we notice that the estimates for both the regional and policy coordination measures are highly significant and appropriately signed. Additionally, the punishment variable is appropriately signed and significant, although more highly in the regional coordination model than in the policy-based coordination model. Neither model showcases statistically significant estimates for the regime type, GDP per capita, or population density variables. The magnitudes of the effects for the both the coordination measures are higher here than they were for the respective empowerment index models. The magnitude for the punishment estimates are virtually the same here as they were in the empowerment index models. Why might this be the case?

Variables	Estimates[1]	Standard Errors
Coordination	2.017***[2]	0.18
Punishment	0.055*	0.04
Regime Type	0.009	0.01
GDPpc	0.033	0.04
Population Density	-0.036	0.03
X^2 = 316.80***	Log Likelihood = -1773.80	N = 2189

[1]Note: All estimates are ordered logit, unless otherwise specified. The numbers in parentheses are panel-corrected standard errors.
[2]*** p≤.001; ** p≤.05; * p≤.10

Table 4.5: Effects of Policy-based Coordinated Action on Women's Rights, 1981-2000

Historically, we have seen that respect for women's rights has been slower to catch on than have empowerment rights due to what some point to as being an inherent historical and traditional bias against the exercise of rights by women and girls in favor of men and boys. Women in much of the world did not achieve the right of suffrage until the middle of the 20th century. Furthermore, while the spread of the democratic culture has led to a higher base level of respect for empowerment rights, the

spread of respect for women's rights has been less even with some democracies taking longer to move away from endorsing the practice of freedoms being afforded to males while being openly restricted to women. This also plays out in terms of some cultural understandings of the differences that exist between the genders in terms of their capabilities, with parents in countries such as India and China valuing male children over female children because of the economic benefits associated with their ability to work outside of the home or, at least, the fact that there are fewer economic costs (such as a dowry) associated with male children. Thus, it seems likely that the spike in the magnitude of the relationship between the two coordination variables and the level of respect for women's rights over that between the coordination variables and the level of respect for empowerment rights may likely be caused by the incomplete spread of cultural understandings of women being equal to men across both regional and policy peers.

Physical Integrity Rights

The second robustness check uses CIRI's Physical Integrity Rights Index which is an additive index constructed from the individual measures of incidents of disappearance, extrajudicial killing, political imprisonment, and torture, each of which are scored on the same 0 to 2 scale as those included in the Empowerment Rights Index. It ranges from 0 (no government respect for these four rights) to 8 (full government respect for these four rights). As with the previous models, I use a dependent variable that measures changes in individual states' level of respect for these rights that ranges from -1 to 1. Further, I employ two coordination measures which depict the percentage of a state's regional *and* policy peers with a higher score than them in previous year for their respect for *physical integrity rights*.

Variables	Estimates[1]	Standard Errors
Coordination	2.584***[2]	0.24
Punishment	-0.037	0.03
Regime Type	0.007	0.01
GDPpc	0.041	0.03
Population Density	-0.030	0.03
X^2 = 370.03***	Log Likelihood = -2300.83	N = 2268

[1]Note: All estimates are ordered logit, unless otherwise specified. The numbers in parentheses are panel-corrected standard errors.
[2]*** p≤.001; ** p≤.05; * p≤.10

Table 4.6: Effects of Regionally Coordinated Action on Physical Integrity Rights, 1981-2000

Tables 4.6 and 4.7 show that here, again, the coordination measures are appropriately signed and statistically significant, illustrating that for all three types of human rights in the analysis, states take into consideration the behavior of their peers when making decisions about the level of respect for human rights that they will show. The physical integrity rights models illustrate yet another jump in the magnitude of the estimates for both the regional and policy coordination variables over those provided for either the empowerment rights or women's rights models. Unlike the other models in the analysis, the estimate for the punishment variable is not statistically significant in the physical integrity rights models.

Variables	Estimates[1]	Standard Errors
Coordination	2.300***[2]	0.16
Punishment	-0.020	0.03
Regime Type	0.017**	0.01
GDPpc	0.098**	0.03
Population Density	-0.070**	0.03
X^2 = 476.99***	Log Likelihood = -2161.73	N = 2189

[1]Note: All estimates are ordered logit, unless otherwise specified. The numbers in parentheses are panel-corrected standard errors.
[2]*** p≤.001; ** p≤.05; * p≤.10

Table 4.7: Effects of Policy-based Coordinated Action on Physical Integrity Rights, 1981-2000

One noticeable difference between the two models presented for physical integrity rights and those provided for either empowerment or women's rights is that, for the physical integrity rights models only, the magnitude of the regional coordination estimate is larger than the policy coordination estimate. Why would regional coordination have a greater effect than policy-based coordination on states' respect for physical integrity rights but a lesser effect than policy-based coordination on states' respect for empowerment and women's rights? The answer here is likely related to the key differences

between physical integrity rights on the one hand and women's and empowerment rights on the other hand.

States that are ``policy peers'' may share cultural characteristics based on region or they may share cultural characteristics that they have gained through international interactions. Globalization has, in many ways, become the great equalizer of states because of the homogeneity that it has brought to the international community where cultural traits are concerned, causing some to backlash against the loss of their civilization's unique cultural identity (Barber, 1996). Furthermore, Huntington (2011) has argued that the rise in population and global economic strength of some regions or civilizations vis-à-vis the West had led many to backlash against Western conceptions of what behavior in realms like human rights should look like. The results above seem to indicate that Huntington's (2011) argument better describes behavior relating to physical integrity rights, while perhaps Barber's (1996) explanation better fits empowerment and women's rights.

Physical integrity rights, the rights to be protected from political imprisonment, killing, torture, and disappearance, seem to be rights that are fairly basic. Regardless of variation in cultures, these types of behavior seem to be generally considered wrong. This is less so the case where women's and empowerment rights are concerned. Thus, it would seem more likely that a regional coordination variable would do better at explaining women's and empowerment rights practices than it would at explaining states' practices where physical integrity rights are concerned. However, this is not the case in the models presented above. My results seem to indicate that Barber's (1996) argument is, generally, more accurate. That is, backlash against Western cultural dominance is based less in whole civilizations than it is spread across civilizations, affecting individuals and small groups rather than civilizations as a whole. Whether this variation can be explained by economic class or the level of individuals' integration into the global economy is uncertain. However, it seems likely that those who show a higher level of respect for empowerment and women's rights do so because those practices fit into their larger policy

agenda. Those who choose to violate physical integrity rights do so in an effort to preserve a domestic policy agenda that is at odds with international norms. This behavior is regionally-based likely due more to colonial legacy than anything else. Colonial legacy fails to determine behavior with regard to empowerment and women's rights because those who show respect for these rights are as likely to be the originators of these practices as they are to be those who inherited these domestic institutional practices from their colonizers.

This same logic can be used to explain why the punishment variable is statistically insignificant in the physical integrity models and not elsewhere. When states choose to commit egregious human rights violations by engaging in practices such as torture, it is likely due to an utter disregard for the importance of upholding human rights. Alternatively, it is not as easy to conclude that when states choose to break international law where women's or empowerment rights are concerned, they are trying to interrupt the world order. A decision to kill, torture, imprison, and/or disappear individuals illustrates a rampant disrespect for human life more so than a decision to extend voting rights to men and not women. While choosing to deny suffrage rights to a particular subset of the population illustrates a lack of respect for a certain source of opinion, it does not represent a lack of respect for that subset of the population's right to *live*. Those who show an utter disregard for human life are unlikely to be affected much by the prospect of domestic punishment, especially when compared to those who have chosen a less extreme form of human rights abuse.

Implications for Measuring Coordination

Looking at the results presented in the robustness checks vis-à-vis those in the initial two models, we see that no clear winner emerges, leaving us inconclusive with regard to the issue of how to best measure the concept of coordination. Compounding this uncertainty, Table 4.8 illustrates the relationship between these two types of coordination measures with regard to each of the types of human rights practices discussed here. We see that the degree of correlation between the measures is

roughly similar across the three human rights areas, giving neither measurement approach a discernible edge.

	Empowerment Policy	Women's Policy	Physical Integrity Policy
Empowerment Regional	.662		
Women's Regional		.530	
Physical Integrity Regional			.603

Table 4.8: Correlation Across Coordination Measures, 1981-2000

Because of the lack of clarity that emerges from the whole of the effort produced in this chapter, I propose that *both* the regional and policy-based measures of peer groups are relevant to states' decision-making processes about human rights behavior. The results here suggest both conceptions of peers can be used to create measures of coordination that explain changes in states' adherence to various types of human rights treaties. It must be noted that both forms of the coordination measure are statistically significant and have a large effect on human rights behavior in *all* of the models presented here. Thus, regardless of one's choice, coordinated efforts seem to be an important indicator of human rights behavior. So much so, that the inclusion of a coordination measure, in many cases, renders commonly-used variables like population density, GDP per capita, and regime type, insignificant in their ability to explain the behavior of interest.

INTERNATIONAL COORDINATION VS. DOMESTIC PUNISHMENT

The two conceptions for the measurement of coordination seem to work equally well at predicting changes to states' human rights behavior, so much so that they render commonly-used variables insignificant in the models above. Scholars attempting to explain states' adherence to various human rights treaties have long made the argument that the potential for internationally-based punishment has little effect on state behavior due to the enforcement issues that arise with all types of international organizations (Downs, Rocke and Barsoom, 1996; Grieco, 1988; Hafner-Burton and Tsutsui, 2005; Hafner-Burton, 2005; Mearsheimer, 1994/5}. Substantiating the claims that domestic punishment can take the place of international punishment mechanisms in deterring human rights violations, the

domestic punishment measure included here is consistently significant in all of the models even while factors such as population density, GDP per capita, and regime types are not. Thus, it seems to be the case that while previous work has not overlooked the role that domestic avenues for punishment can play in changing states' human rights practices, it has overlooked the role that coordination can play. Thus, we are left to discern which matters more - coordination or the probability of domestic punishment - when it comes to explaining changes in states' behavior.

Figures 4.1 through 4.12 in the results section illustrate that for both the regional and policy coordination models, coordination has a larger effect on states' decision to change their human rights behaviors than does the probability for domestic punishment. However, due to large differences in the ranges of these two variables, it is difficult to decisively determine by looking at these graphs whether the degree of difference in the effects is significant or not. Below, I present both the percentage change in the odds for one unit increase in both the policy coordination variable and the punishment variable in Table 4.9. Because the range of the policy coordination and punishment variables are so different, it is difficult to compare the effects of one unit increase in each of these variables. The coordination variable only ranges from 0 to 1 and the punishment variable ranges from -5 to 2. Thus, the easiest way to determine which variable has a larger effect is to compare the percentage change in odds for an increase of one standard deviation in each of the variables. The standardized coefficients are presented on the first line and the unstandardized coefficients are presented on the lower lines. I present both sets of statistics for each of the three types of human rights discussed in this chapter: empowerment rights, women's rights, and physical integrity rights.

Type of Human Rights	Policy Coordination	Punishment
Empowerment	51.7	7.2
Rights	(457.8)	(5.5)
Women's	68.1	7.5
Rights	(651.9)	(5.7)
Physical Integrity	96.7	-2.6
Rights	(897.1)	(-2.0)

Note: The first number in each cell is the standardized coefficient. The numbers in parentheses are the unstandardized coefficients.

Table 4.9: Coordination versus Punishment, 1981-2000

The coefficients presented in Table 9 provide strong support for Hypothesis 1 from Chapter 3, indicating that coordination has a larger effect on states' behavior than does punishment. This illustrates that in the face of punishment, states choose to coordinate their behavior in an effort to minimize the possibility of punishment. For each of the three types of human rights covered in this chapter, as the number of a state's peers that have comparably better human rights records increases by one standard deviation, the state's own human rights practices get significantly better. Where empowerment rights practices are concerned, an increase of one standard deviation in coordinated respect for these rights leads to a larger than 50% increase in the odds that the state will also improve and the rate of percentage increase in the odds just go up from there. Where the domestic punishment variable is concerned, the percentage increase in the odds that states will show greater respect for human rights is significantly lower in magnitude than it is for the coordination variable in any of the instances reported here. Furthermore, for the physical integrity rights model, we find that an increased probability of domestic punishment actually results in a marginal *decrease* in the level of respect that the states show for physical integrity rights.

We see from Table 4.9 that the most important factor for predicting increased respect for human rights in each of the models presented in this chapter is the percentage of peers that show a higher respect for the rights in question. This is not to say that punishment is not an important predictor of human rights behavior, but Table 4.9 illustrates that it is less important than the coordination measure. Thus, we can likely conclude that the conception of states' decision-making process described

in Chapters 2 and 3 is accurate. States consider a decreased likelihood of domestic punishment to be a gateway for committing human rights violations, but this low probability is not a sufficient condition for violations. In order for violations to occur, states must be able to assess that the likelihood for domestic punishment is low *and* that their peers are also violating human rights before they will commit themselves to engaging in such behavior.

CONCLUSION

The results of this analysis are novel in that they bring about a new way of thinking about how states make their decisions about the types of human rights behavior in which they will engage. Where, previously, those who studied states' human rights behavior looked at it as being a decision over whether or not to comply with existing international human rights norms, assuming that the interaction of interest was that taking place between state and international institution, my results indicate that this is not entirely accurate. States do not make decisions about what their behavior will look like in a vacuum, looking only at how the institution might respond to their behavior; they do so with knowledge of what they can expect to get away with based on their observations of the behavior of their peers and how the institution responds to those peers.

Furthermore, the discussion regarding the relative importance of the coordination concept in comparison to the domestic punishment variable is of particular importance. This proves the coordination measure to be more important in explaining improvements in human rights practices over time than traditionally used concepts such as regime type, GDP per capita, and population density. Both the policy-based and regional coordination measures are more useful in understanding behavioral changes in the realm of human rights compliance than is the domestic punishment variable. While the probability of domestic punishment does have a statistically significant effect on the level of respect that states show for human rights, it is not as important in predicting behavior as the behavior of states' regional or policy peers. This means that states care about the effect that engaging in human rights

behavior that diverges from that of their peer group can have on their reputations and their potential for linking issues with those peers in the future.

Concluding tests of the same models for three different types of human rights practices provides a more nuanced understanding of how the coordination process works as well as a greater level of reliability for the results achieved in the initial two models. The coordination measure remains an important component in the explanation of all three types of human rights practices, while the punishment variable loses significance for the physical integrity models. As mentioned above, this is likely due to the reason *why* states that tend to violate physical integrity rights do so. A desire to ``buck the system'', so to speak, that is so intense it requires violations of the most basic human rights is unlikely to be affected much by the possibility of domestic punishment as the goal is to make an international statement.

The tests conducted in this chapter support the assumptions made in the model in Chapter 3. The likelihood of domestic *punishment* can be argued to affect states' calculations over whether they should engage in human rights offenses. This is supported explicitly in the original model and in the robustness check involving women's rights, if not so explicitly in the robustness check for physical integrity rights. However, the coordination hypothesis is supported throughout all six models reported, indicating that as the costs for punishment at the international level decrease, the severity of violations increases. Thus, the first assumption is supported by the empirical tests, at least in part. The same evidence supports the second assumption, which provides that states assume that their potential punishers are rational actors. The fact that states increase the severity of their violations after their peers have done so, lends credence to the assumption that states use the assumption of an increased cost of punishment being associated with coordinated action when deciding the degree to which they will violate human rights.

CHAPTER 5: THE COURAGE TO COMPLAIN}

Chapter 3 served to set up a formal model of interactions between multiple states and an international adjudication body where human rights behavior is concerned. Chapter 4 served to test the first two hypotheses that came out of the formal model in Chapter 3 and found support for the hypotheses that states coordinate their human rights behavior and that the possibility of domestic punishment decreases the likelihood that states will coordinate their behavior on decreased levels of respect for human rights. The third hypothesis derived from the formal model in Chapter 3 will be tested in the following chapter, Chapter 6. Here, in Chapter 5 I look to illustrate the step that comes *in between* the states' decisions to increase or decrease their respect for human rights and international adjudication bodies' decisions to issue a judgment on cases that are brought before them. Specifically, I answer the research question regarding the causes of variation in individual complainants' decisions to bring cases before an international adjudication body, given that violations occur in the country-year. Further, I look to determine whether or not the premise upon which this project is based, that states are ``safer'' when they violate in together, has merit.

Before turning to the discussion of the research question, it is important to identify *who* the relevant actors for this chapter are. The UN's Human Rights Committee can receive complaints from two different sources: states and individuals. States can issue complaints against other states through the establishment of an ad hoc Conciliation Commission only if both state parties have declared that they recognize the competence of the Committee to receive and consider such complaints. As of 2012, only 48 states have made such a declaration. To date, however, no interstate complaint has been submitted to the HRC. Because no interstate complaints have ever been issued, I focus on the cases brought by individual complaints that are enabled to bring cases under the First Optional Protocol to the ICCPR which entered into force in 1976. For citizens of states that have ratified the First Optional Protocol, bringing complaints against their own governments before the HRC is an option for them to

seek justice against the violators. For citizens whose governments have not ratified the Protocol, no such option exists.

The prosecution behavior of victims of human rights violations is not explicitly modeled in Chapter 3, but has important implications to the overall decision-making process on the parts of both the states choosing to violate human rights and the adjudication bodies' decisions to issue a punishment. Based on the international record thus far, a decision by a complainant to bring a case against violating states has been a prerequisite for *any type of international response to violations*. Without this action, a state stands a nearly 100% chance of getting away with human rights violations with no costs, greatly increasing the incentives to commit such violations. Further, without this action, the international adjudication bodies can have no hope to carry out their mandate. Without explicitly modeling the preferences of individual complainants, I cannot formally derive hypotheses about their behavior, but it seems that thinking about the costs associated bringing cases in front of the international level would be an intuitive way to start. In order to begin to understand what causes some complainants to bring cases against their violators and others not to do so, I begin by making a few assumptions and setting up the logic for the hypotheses that will be tested in this chapter. I then move on to discuss the research design. A third section characterizes the empirical test and a fourth presents robustness checks for the initial results in this chapter. A fifth section identifies the implications of these results. A final section concludes.

Assumptions

The first assumption that I make is that complainants are likely to be skeptical of the domestic adjudication process, creating a barrier to their decision to bring a case against the state at the domestic level (which is necessary prior to bringing a case at the international level). I make this assumption based on the fact that because the government is the alleged violator in these cases, victims are unlikely to expect that a government-based body like the courts will award justice to the complainant at the

expense of the government. I make this claim for a few key reasons. First, states often violate human rights because of institutional capacity issues that prevent them from being able to distribute public goods evenly amongst the population (Fearon and Laitin, 2003). Second, it is commonly held that democracies are less likely to commit human rights violations than autocracies because of the disproportionate size of the winning coalitions for these different regime types (Bueno de Mesquita et al., 1999*a,* 2002, 2005). Finally, governments incapable of equitable public goods distribution (either due to institutional capacity issues or regime type) are strategically motivated to commit human rights violations in an effort hold on to power, making them unlikely to weaken themselves relative to those groups that they marginalize by punishing themselves for their own human rights violations. This, I argue, is the reason why so many of the states in which human rights violations occur never have cases brought against them at either the domestic or international level. Complainants are unlikely to feel as though winning their case is a likely outcome.

The second, and related, assumption is that states are aware of their ability to create domestic barriers to prosecution, disincentivizing complainants to bring cases against them at the domestic or international levels. States have a strategic option to create barriers to prosecution at both the domestic and international levels which benefits them both materially and reputationally. They benefit reputationally when they are able to prevent the international recognition of their human rights violations by other states, the international media, transnational advocacy networks, and other interested parties. This effect is explicitly connected to the material benefits in that states can oftentimes preserve trade relationships or common policy-based interests with other states when these states view them favorably.

The types of barriers to prosecution that states can create in order to preserve their reputation and the associated material benefits generally involve efforts to stall the process at the domestic level. These can be legal tactics used by the state's attorneys to buy time by not being forthcoming with

relevant evidence or by flooding the interested parties with motions to have important evidence thrown out or for continuances. States can also insulate themselves through the legislative process by dragging their feet to bring domestic laws into compliance with international human rights laws and/or norms. For example, states such as the United States or Jamaica who have not yet ratified the Second Optional Protocol to the ICCPR and still use the death penalty oftentimes have cases brought against them at the domestic level consisting of legitimate legal arguments for why it should not be practiced by member states. Jamaica, which has signed and ratified the First Optional Protocol has enabled its citizens to bring cases against it on this matter at the international level (the US has not) and its death row inmates do so in droves. Because these countries are not parties to the Second Optional Protocol, they are not held to its standards, but this does not stop individual complainants from disagreeing with the practice. These legal ``gray areas'' can significantly slow down the adjudication process at the both the domestic and international levels.

My final assumption, which I also make in the following chapter in my analysis of international adjudication bodies' decisions, is that complainants are aware of how little influence international adjudication bodies can have over state behavior, even if the case is decided in favor of the complainant. This fact is spelled out in the language of the treaties themselves, in which no enforcement body is formally tasked with making sure that punishments issued at the international level are carried out upon issuance. Furthermore, simply looking at past precedent of cases decided by the Human Rights Committee illustrates that punishments, even if carried out, tend not to be severe. HRC decisions typically only request that the victim is recompensed for the wrongs done to them, but in no specific terms. These decisions for punishment are typically not the types that are strong enough to disincentivize the government in question from engaging in the same types of behavior in the future. As so few cases are prosecuted, a rational government knows ex ante that the likelihood of them being punished for their behavior is low and that even if punishment occurs, it is unlikely to be severe. The

logic here is somewhat circular in that potential complainants, being aware of the lack of severity in punishment, may be disincentivized to engage in a lengthy legal battle if they do not feel that the punishment issued (if they were to win the trial) would fit the crime.

The assumptions that I make in this chapter are consistent with the fundamental assumptions made in creating the formal model in Chapter 3. They are based on the assumption of complete information being possessed by all of the relevant actors. States can observe the incentives (and disincentives) that complainants have for bringing a case at the international level just as they can observe the costs and benefits to the international adjudication body for issuing a decision or deeming a case to be inadmissible. International adjudication bodies are also aware of the costs and benefits that they and the state impress upon complainants and of the costs and benefits that a state can expect when deciding whether or not to commit human rights violations. In this same way, complainants are aware of the payoffs for states and adjudication bodies where their respective decisions are concerned. The addition of the time-series analysis in each of the empirical chapters allows me to actually work this assumption of complete information into the empirical analysis because it allows each of the actors to make decisions about today's actions based on their observations from the previous year.

Hypothesis Development

There are three main hypotheses that I seek to develop and test in the course of this chapter. I will develop and discuss each in turn here. The first of these is that as the perceived legitimacy that international adjudication bodies have decreases, the likelihood potential complainants will choose to bring cases in front of the international courts tasked with making decisions on them will also decrease. The second hypothesis is that as the costs of complaining increase, many potential complainants will refrain from lodging complaints. The third hypothesis seeks to answer the question that motivates the project as a whole: Is there safety in numbers for violating states? This hypothesis projects that when

states coordinate their actions, prosecution and, necessarily, the probability of punishment, will decrease.

The Perception of Legitimacy

Over the time period of 1981 to 2000, the Cingranelli-Richards Human Rights database contains 4,487 country-years. Of these, violations of the UN's International Covenant on Civil and Political Rights took place in 4,256 country-years, meaning that for 95% of country-years in the CIRI database there were violations of civil and political rights as defined by the UN. However, the rate at which these violations were prosecuted was nowhere near the rate at which they occurred. In only 5% of the country-years covered in the CIRI database for this time period was there a case brought before the Human Rights Committee against the violating state, and in only 2% of the country-years that experienced violations was a decision issued in favor of the complainant. For a full 2.6% of the country-years in which human rights violations occurred, were cases brought that ended with a decision of inadmissibility. With a record like this, one can easily understand why there may be a disincentive to bring cases in front of an international adjudication body[1].

As I will show in more detail in Chapter 6, international adjudication bodies must take into consideration a number of diverse interests when it comes to prosecuting human rights violations and only one of these is that of the complainant for the case. This is an issue that complainants are aware of ex ante and must consider as part of their decision over whether or not to bring a case in front of an international adjudication body. This issue is further compounded by the costs associated with doing so, an issue I discuss in greater detail below. In order to further explicate the dynamic of the complainant's decision over whether to bring a case, it is necessary to explore the concept of one's perception of the international adjudication body's legitimacy and how this perception is formed.

[1] It should be noted that many of these states could never have had cases brought against them due to the fact that they had not yet ratified the First Optional Protocol for the International Covenant on Civil and Political Rights.

The occurrence of human rights violations brings about the desire in victims to seek justice against those who committed the violations. While it is likely that victims think of human rights violations on a somewhat sliding scale (i.e. incidence of extrajudicial killings may seem more egregious than, say, a denial of the right to peaceably assemble) in terms of the urgency with which they will seek justice, it also seems likely that interpretations of the egregiousness of a human rights violation may be relative to the behavior that one is accustomed to observing from their government. We might imagine that those who live in countries where the right to peaceably assemble is always denied (either because of law or custom) will be less likely to see this as an egregious violation of their human rights than for those whose governments generally allow such behavior. This is not to say that human rights violations should be systematically looked at through a lens of cultural relativism but, rather, that the victims may look at the human rights violations that they suffer through the lens of their own cultural and institutional understandings.

Having established that we might expect a citizen of a democracy to be more outraged by a violation of their right to peaceably assemble than, perhaps, a citizen of an autocracy, it is possible to see why the rate of human rights prosecutions may be uneven across time and space. Despite this unevenness, we still see prosecution efforts across a wide variety of human rights violations, indicating that there does not seem to be a collective perception by victims of human rights violations that certain types of cases have more merit in the international adjudication process than others. However, the fact that so few instances of human rights violations are prosecuted at the international level seems to indicate that victims are either receiving justice at the domestic level or are stopping short of bringing cases at the international level due to a perception that they will not receive the justice that they seek at that level. This is likely due to the fact that of the 456 cases brought to the Human Rights Committee between the years of 1981 and 2000, only 39.6% were deemed admissible and decided in favor of the complainant.

Thus, the question really becomes one of why individuals select themselves out of the running for a decision in their favor at the international level. I argue that because 47% of the cases heard are ruled as being inadmissible by the Human Rights Committee, potential complainants are likely to perceive that there is a rather steep climb on the road to justice at the international level. Further, those who have had their human rights violated by their government are unlikely to feel empowered in a fight against ``the system''. For many of these people, a decision of inadmissibility by the Human Rights Committee is akin to a decision in favor of the state. Thus, the large number of cases that are deemed inadmissible are likely to be just as discouraging to potential complainants as are decisions that fall in favor of the state. This logic brings me to the first hypothesis.

Hypothesis 1: *As the percentage of cases decided in favor of the complainant increases, the rate at which potential complainants bring cases will also increase.*

The Cost of Complaining

The average number of years between when a violation occurs and when an admissibility decision is made by the Human Rights Committee is 6.1 years. The maximum amount of time in the cases that occurred between 1981 and 2000 was 19 years. Further, the maximum time span that takes place between a decision of admissibility and a case decision is 4 years and the average time period is 1.32 years. This means that most people can expect to wait a full 6 years between the time that their human rights are violated and the time that they find out whether their case will even be decided at the international level. Once an admissibility decision is made, the complainant can expect to wait (on average) another 16 months before they receive a decision. Thus, bringing a case at the domestic level and then bringing it to the international level can be time consuming and, as a result, costly.

What factors into the costs that a complainant must incur in the adjudication process? Here, I am specifically referring to the opportunity costs associated with bringing a case. Attorneys must be paid to take the case, file motions, and compile evidence to be presented to the Committee.

Complainants may have to take time off work due to the procedures associated with carrying out the due process. Thus, the longer the time between the violation and the decision at the international level, the more costs will be incurred by the complainant. Because of this, the time and money required to engage in a lengthy legal battle can, in many cases, be prohibitive to those who might choose to bring a case at either the domestic or international level to the extent that the process is a drawn out one.

Hypothesis 2: *As the average anticipated length of time between the occurrence of a violation and the Committee's admissibility decision for past cases increases, potential complainants become less likely to bring a case to the international level.*

The Coordination Hypothesis

The larger motivation for this project is to determine whether there is, in fact, safety in numbers. When states violate together, are they more likely to get away with their violations? Chapter 4 finds that states tend to be concerned about their reputation amongst members of their peer group and, as such, tend to mimic the violation behavior (or lack thereof) of their peers. In the present chapter, I look to determine whether or not coordinated actions lessen the probability of detection by the international adjudication body. Chapter 4 suggests that states care more about their reputation amongst their peers than they do about even the probability of punishment at the domestic level. However, this begs the question of whether we can say that coordination occurs in an effort to decrease the probability of punishment at the international level. The test in this chapter will provide some insight as to whether states coordinate in an effort to minimize the likelihood that they will be punished at the international level for their violations.

The answers from the fourth chapter are, in some ways, difficult to reconcile with rational choice theory. After all, if states are, in fact, self-interested entities looking to maximize their material gain in all of their actions, why would they be so greatly concerned with reputation over the prospect of the material punishment that they could receive at the domestic level? Perhaps we can explain the

disconnect between the rational choice assumption and the findings of Chapter 4 with the proposition that the material costs of violation are tied to the reputational effects that such actions have on the violator. A loss of reputation can have a number of effects (nearly all of which are difficult to observe and measure) on a state's ability to realize its self interest in the international system, including loss of trade and/or an unwillingness on the part of former allies to act in their interest in international affairs. If this were the case, we would expect that states coordinate in an effort to limit the likelihood of international detection because the costs of not doing so could be much more costly to them than any formal punishment exacted at the domestic level. Because international adjudication bodies cannot prosecute cases without complainants bringing their case before the body, the only way to determine if coordinated action minimizes the probability of detection and/or punishment by the international adjudication body is to determine if coordination minimizes the likelihood that an individual complainant will bring their case before the international body. Thus, I propose the third and final hypothesis used to test this logic below.

Hypothesis 3: *There is safety in numbers. Potential complainants are less likely to issue a complaint if the violating state's actions are coordinated.*

RESEARCH DESIGN

In an ideal world there would be unlimited access to data on human rights violations and prosecutions. The best case scenario would involve case-level data. For this analysis, we are not in an ideal world living out the best case scenario. Detailed case-level data does not exist for cases that are never prosecuted, making it difficult to systematically compare the cases that are prosecuted with those that are not prosecuted. Because of a number of systematic data limitations where case-specific information is concerned, the research design for this analysis differs in a number of ways from that of the other chapters. However, this is necessary in order to obtain a sufficient level of confidence in the causal relationships established by the tests completed in the analysis. Because case-level data does not

exist, I am unable to test my hypotheses at the level of individual cases. In what follows, I explain in detail the unit of analysis, my conception of the dependent variable, and the empirical method employed in the analysis for this chapter.

The Unit of Analysis

Although I would ideally look at the country-violation-year as the unit of analysis, such fine grain data does not exist. Thus, the unit of analysis for this chapter is the country-year. The use of the country-year unit of analysis allows us to compare the count of cases that are prosecuted at the international level across space and time while controlling for rough estimates of the number of violations that occurred for the country-year in question. While this does not allow us to gain a fine grained understanding of the individual decision-making processes that underlay the prosecution process, it does allow us to understand the country level and system level circumstances that facilitate prosecution. Furthermore, the use of the country-year unit of analysis allows us to compare the effects that countries have on potential complainants' willingness to bring a case rather than on the individual merits of the case itself. In order to make clear how this level of analysis can illuminate the aggregate's decision to bring cases to the international adjudication body, I now turn to a discussion of the dependent variable.

The Dependent Variable

The dependent variable for this analysis will consist of a count of the cases brought in each country-year. In order to refrain from selecting on the dependent variable, I include all observations for which the Cingranelli-Richards Human Rights Database collects data, for which the country is a member of the First Optional Protocol of the ICCPR, and for which there is nonmissing data for the other variables of interest in the analysis. Between the years of 1981 and 2000, 96 countries had ratified or acceded to the First Optional Protocol. That said, the CIRI Human Rights database provides rough ranges of the number of human rights violations that occur in a country-year, suitable for using to create

a control for the rate at which human rights violations occur in a given country-year. Countries receiving a measure of 1 for a given violation type in the year have committed 49 or fewer violations in that year. Those receiving a measure of 0 for the given violation type in the year have committed 50 or more violations in that year. This allows me to create a control for the analysis based on potentially different numbers of violations that have occurred based on whether or not the CIRI Database rates the state as one in which fewer human rights violations have occurred.

Because I am interested in state behavior with regard to a great variety of human rights behaviors and due to the broad nature of the UN's International Covenant on Civil and Political Rights, I include controls for state behavior with regard to a range of human rights behavior. The human rights included in the analysis are both what the CIRI Database refers to as physical integrity rights and empowerment rights as these are the rights covered by the UN's ICCPR. Physical integrity rights include the rights not to be subjected to torture, political imprisonment, extrajudicial killing, and/or disappearance. The empowerment rights include the freedoms of foreign movement, domestic movement, assembly, association, religion, electoral self-determination, and workers' rights.

The CIRI database codes states' human rights behavior using the US State Department's Human Rights Country Reports and Amnesty International Country Reports. Both organizations use UN-based criteria to define human rights and the behavior that constitutes violations of these rights. Thus, the CIRI data are coded using the same criteria to determine what constitutes a violation as the HRC uses in order to determine whether the complaint issued is based on both human rights law that is under its purview and whether the behavior engaged in by the country in question constitutes an instance of violation. The CIRI index is important to include because controlling for the rough number of violations that occur for each country-year allows us to control for the variation between countries' potential to have complainants bring cases against them. I discuss the precise measurement for this control variable in the data section below.

The Empirical Method

In order to test the hypotheses in this analysis, I propose the use of an extradispersed Poisson model which is meant to model count variables such as the one employed here when the dependent variable is overdispersed, meaning that the majority of the variation falls into the lower range. This particular approach is specially formulated for understanding variation in count data when the variation of the dependent variable is concentrated in the lower ranges. The dependent variable for this chapter is a count of the total number of cases brought before the HRC in a given country-year. For the observations included in the analysis, only 160 of the total 1,012 observations take on a nonzero value, meaning that variation of the dependent variable is highly skewed toward the lower end of the variable's range. Despite the fact that a choice to bring a case before an international adjudication body is a rare event, it is still an event that is highly relevant and important to the broader understanding of human rights compliance.

Poisson models are uniquely suited for explaining what are called Poisson distributions - those in which variation pools at one end of the range of the variable. However, there are two fairly restrictive assumptions made when using a straightforward Poisson model. The first of these is that the Poisson distribution assumes that the mean equals the variance. After looking at the variance in comparison to the mean for the dependent variable for most of the explanatory variables, I find that the variance is, in nearly every case, significantly larger than the mean. The second of these is the assumption that the events that make up the Poisson distribution are independent of one another. This assumption also leads me to choose the extradispersed Poisson model over the more commonly used Poisson model. Not only are the data used in this analysis time-series in nature and, thus, likely to be related over time, they are also likely to be related within a given country-year in that one individual's decision to bring a case in a particular country-year may be made more likely if the same decision is being made by one or

more other people in the given country-year. I discuss the precise regression equation at the end of the following section.

THE DATA

I collect data on cases heard by the Human Rights Committee during the years in which the Cingranelli-Richards Human Rights Database measures the degree to which violations are occurring and in which there is data from Gartzke's Affinity measure to compile the policy coordination measure, limiting my purview of HRC cases from 1981 to 2000. This data includes the dates in which the violations occur, the year in which the communication was brought before the HRC, the year in which the HRC made the admissibility decision, the year in which the final decision was made by the HRC, what that final decision was if it was made. I use the data I collected from the HRC records in conjunction with data from the CIRI Dataset, the World Bank, the Polity IV project, the Correlates of War Project, and Erik A. Gartzke's Affinity data in order to complete the hypotheses tests in this chapter. Further, I include in my analysis only country-years in which the state in question was a ratified member of the First Optional Protocol of the UN's ICCPR. I discuss the measures used in the analysis in greater detail below.

The Dependent Variable

The dependent variable for this analysis is a count of the number of cases per country-year that were brought before the UN's Human Rights Committee. As I mentioned previously, in an effort not to select on the dependent variable, I include all observations included in the CIRI database, rendering nonzero values of the dependent variable to be rather rare. In fact of the total 1,012 observations included in the analysis, only 160 observations for the dependent variable take on nonzero values. This means that only 15.8% of the cases have nonzero values and that the dependent variable is not normally distributed and is, in fact, an example of overdispersion. Further, because the measurement of the dependent variable does not take under consideration variation in a state's potential to be tried for

violating human rights, it is necessary to control for this on the right side of the regression equation. I discuss this control variable here rather than in the section in which I discuss the other control variable due to its importance to the measurement of the dependent variable and to the model in general.

The Cingranelli-Richards Human Rights Database employs a measure ranging from 0 to 2 for a number of human rights practices. For this analysis, I focus on state behavior with regard to eleven types of human rights practices governed by the UN's ICCPR. Four of these rights are what the CIRI Database refers to as physical integrity rights and seven of them are empowerment rights, which I listed above. By adding the scores for all eleven of the human rights included, I derive a score ranging from 0 to 22 to use in controlling for country-year variation in the number of human rights violations that occur. For this analysis, I do not include measures of country-years in which the country in question received a score of 22 for the human rights control variable as a score of 22 indicates that no violations of that right occurred in the country-year and I am interested only in country-years for which cases could potentially be filed. This means that for a country receiving a 1 on the CIRI scale for any of the 11 human rights I consider, somewhere in between 1 and 49 instances of violations of that *particular* right occurred. For states receiving a 0 on the CIRI scale for any of the 11 human rights, there were *more than* 50 violations of that right in the country-year. It is important to note that there is no upper bound for the number of violations that could occur in a country receiving a rating of 0 in the CIRI Database.

The Courage to Complain

Hypothesis 1, stated above, requires a measurement capturing the evidence of the legitimacy of the Human Rights Committee in order to provide a way to think about how potential complainants' perceptions of the Committee's legitimacy affect their willingness to bring their cases to that venue. The logic here is that when potential complainants perceive the HRC as having a low level of legitimacy, they are less likely to bring cases because they may feel that they are less likely to receive justice as a result of their efforts. In order to capture this concept, I propose to look at the percentage of cases brought by

complainants in a single country-year that result in a judgment for the complainant. Because of the transparency of the HRC's adjudication process, potential complaints have access to this information and can therefore decide whether they think that their ability to receive justice at the international level is worth the time and effort required by this type of endeavor. Thus, I would expect a positive relationship between this variable and the dependent variable as a high value of the independent variable indicates a high perception of legitimacy and a high value for the dependent variable indicates and percentage of cases being prosecuted.

While some might reasonably make the argument that this measurement for the legitimacy of the institution does not take into consideration individual merits of the potential complainants' cases in relation to the merits of the individual cases receiving judgments, I would point out that people's perceptions of institutions tend not to be based on very nuanced information. For example, shortly after the US invasion of Iraq, which occurred without the permission of the UN, US public opinion tended to be in favor of the US' actions and decidedly against the UN Security Council's decision against the US' proposed actions. Furthermore, even after the information about the existence of WMDs in Iraq turned out to be false, opinion of the UN did not really seem to improve. Despite the fact that the judgment of the UNSC was, in fact, based on the facts and international law, the public seemed to continue to resent the decision against the US. In fact, even the international relations literature points out the skepticism that many have with regard to the effectiveness and efficiency of international institutions (Mearsheimer, 1994/5). Although many international regimes are crippled by their own design elements, they are unable to escape or avoid the international scrutiny that results in people judging them to be wholly ineffective. Thus, I contend that individual perceptions of institutional legitimacy are not based on the merits of individual cases nor on institutional design, but are instead based only on the observable results of institution's behavior.

The second hypothesis requires an accurate measure of the costs associated with issuing a complaint at the international level. The hypothesis is based on the logic that as the costs of prosecution increase, they will become prohibitive to potential complainants. Because data doesn't exist to measure the legal costs associated with specific cases or countries or to measure lost wages incurred because of the legal process, I propose a slightly less precise measure. While legal costs may vary across countries and cases, so does the length of time that can lapse between when a human rights violation takes place and the time when an admissibility decision is made by the Committee. As the legal costs or the costs associated with lost wages are driven by the length of time over which the case is active, I propose this as a mechanism of catching variation across cases.

However, because I use the country-year as the unit of analysis for this chapter, it is unnecessary to measure the variation across countries. Instead, I measure the average length of time that passes between when the human rights violation takes place and when the admissibility decision is made by the Committee for all years prior for each country. This measure is based entirely on cases brought before the HRC. This means that for country-years in which no cases were brought (even if violations occurred), the average length of time that can elapse between violation and admissibility decision is 0 years. Violations for which no case is brought incur no costs for prosecution and do not create any observable behavior for potential complainants to use in their decision-making process. This measurement approach allows us to capture variation across space and to make statements about the conditions in a particular state in a particular year that either facilitate or prohibit international prosecution. I expect the relationship here to be negative, in that as the costs of prosecuting increases, fewer will choose to prosecute.

The third hypothesis requires a measure of coordination in an effort to determine whether or not coordinated action diminishes the likelihood of detection. The measure that I employ here is, in many ways, similar to the coordination measure used in Chapter 4. The measure from Chapter 4 was a

percentage of the state's peers who were behaving better than the state in question for the year prior to when the state's violation behavior was measured. The concept of peers was measured both regionally and based on policy similarities, as measured by Erik A. Gartzke's Affinity measure. Because these measures are so strikingly similar to one another, I employ only a policy version of the measure for my purposes here with two slight alterations that are important to note. For this chapter, the policy coordination variable measures the percentage of a state's peers who are behaving ***worse*** than it in the year prior for ease of interpretation. Further, the coordination variable used here is also an averaged value of coordination with regard to two types of coordination - empowerment rights and physical integrity rights. Thus, the measure remains a proportion of the number of state's peers behaving worse than it to the total number of peers and ranges from 0 to 100% because I have added the two percentages together and averaged them in order to capture variation in the levels of coordination for both of the types of human rights violations that the ICCPR was created to protect. Because the measure captures the percentage of peers behaving *worse* than the state in question, I expect for it to share a negative relationship with the various measures of the dependent variable as the test is based on the premise that a higher number of coordinated violators makes the state more likely to get away with its own violations.

The Controls

In an effort to ensure that other causal factors are not driving the results in the analysis, I include a few key control variables in the analysis which were also included in the previous chapter in addition to the CIRI violation rate control variable that I discussed earlier. The logic for the inclusion of these three variables is two-sided. As discussed in Chapter 4, when states are incapable of distributing public goods to the population due to scarcity or capacity issues, they are more likely to experience human rights violations within their borders at the same time that complainants are unlikely to think that they can receive justice through the exercise of due process. Thus, factors such as a low GDP per

capita, a high level of population density, and autocratic regimes are at the same time more likely to commit human rights violations as they are to be viewed as places where victims are unlikely to receive justice.

I include a logged measure of GDP per capita collected by the World Bank. This measure is meant to capture the effect that being a less-developed country can have on citizens' views of their own efficacy in the system. The GDP per capita measure will, I suspect, also capture the fact that when citizens are poor and hungry, they may be more concerned with meeting basic needs than with receiving a sense that justice has been done. Further, while the cost of complaining may be prohibitively high if the adjudication process can be expected to drag on for an extended period of time, a low GDP per capita would likely put further restrictions on potential complainants. Even those with the time and the willingness necessary to bring a case may, in some cases, not have the financial wherewithal to do so. Capturing the level of development in the country will help to capture variation between and within countries over time with regard to the people's ability to pay for legal services and to take off time from work to engage in the adjudication process.

I include a logged measure of population density from the World Bank in the analysis so as to control for variation in potential complainants' perception of the depth of the collective action problem that occurs in response to human rights violations. Because a high level of population density can highlight the inequitable distribution of public goods, human rights violations become increasingly likely. Further, when these violations occur in densely populated areas, it becomes more likely that the number of victims will be greater than if the area where the violations occur is sparsely populated. Thus, when human rights violations occur as more than simply isolated instances, there is likely to be a free rider effect amongst victims, each assuming that someone else will prosecute first. I include the measure of population density in an effort to control for the eventuality that this free rider effect occurs

because, if it does, it is likely to detract from the effects of the four independent variables of interest discussed above.

Third, I include a measure of regime type collected in the Polity IV project. There are several important reasons to control for the effects of regime type. The first of these is the fact that violations are less likely to occur in democracies in the first place. So, if fewer violations occur, the pool of potential complainants is smaller and the likelihood of a case being brought decreases. The second reason is the fact that democratic institutions tend to have a greater need to be perceived as legitimate by their winning coalition, meaning that when cases are brought before them, they are more likely willing and able to dispense justice in a way that satisfies the complainant than are their autocratic counterparts. Third and finally, the presence of a democratic culture is likely to raise the sense of efficacy felt by potential complainants, making them more likely to bring cases when their human rights are violated than citizens of autocracies are, ex ante.

Finally, I must address yet another data weakness that affects the test conducted in this chapter. Ideally, I would include as a control the number of cases that are brought before domestic courts for each country-year. However, like data for the exact number of violations that occur in each state for each year, this data is unavailable. Because of this lack of data, I instead include a slightly different version of a measure used in the previous chapter. The measure of the likelihood of domestic punishment captures the presence of a factor that would be conducive to a fair trial for complainants at the domestic level. It is a measure of the level of judicial independence as measured in the CIRI Human Rights Database. High values of this variable indicate a higher likelihood for a fair trial at the domestic level and I expect for it to be negatively correlated with the dependent variable as those who receive a fair trial at home are more likely to be satisfied and less likely to want to incur the costs of a hearing at the international level.

The two important differences between an extradispersed Poisson model and an OLS regression are that the extradispersed Poisson is a log-linear model and that it allows for overdispersion of the dependent variable. Therefore, coefficients must be exponentiated in order to be fully interpreted. I predict linear relationships between the explanatory variables discussed in the data section and the dependent variable and the hypothesized relationships between all of the independent variables and the dependent variable are specified in the previous sections. I used these hypotheses to develop the regression equation for the extradispersed Poisson model, which I have included below.

$$\text{COUNT OF CASES BROUGHT}_{it} = \beta_1\text{PERCEIVED LEGITIMACY}_{it-1} + \beta_2\text{COST OF PROSECUTION}_{it-1} + \beta_3\text{COORDINATION}_{it-1} + \beta_4\text{GDP PER CAPITA}_{it-1} + \beta_5\ \text{POPULATION DENSITY}_{it-1} + \beta_6\text{REGIME TYPE}_{it-1} + \beta_7\text{DOMESTIC PUNISHMENT}_{it-1} + \beta_8\text{COUNT OF CASES BROUGHT}_{it-1} + \beta_9\text{CIRI INDEX}_{it-1}$$

Analyzing the Distribution of the Key Variables

The descriptive statistics for the variables employed in the analysis for this chapter are depicted in Table 5.1, below. The most important aspect of this table is the distribution of the dependent variable. While the dependent variable ranges from 0 to 22, the vast majority of the cases fall into the zero category of the dependent variable, skewing the distribution of the variable to its lower end. It is for this reason that OLS or regular Poisson are inappropriate modeling choices for the analysis of this chapter.

Variables	Minimum	Mean	Maximum
Count of Cases (DV)	0	0.408	22
Cost	0	0.907	19
Legitimacy	0	0.070	1
Coordination	0	0.430	1
GDP per capita	4.87	7.56	11.23
Population Density	0.367	3.60	7.106
Domestic Punishment	0	1.03	2
Regime Type	-10	0.044	10
CIRI	0	12.15	21

Table 5.10: Descriptive Statistics for the Variables, 1981-2000

Additionally, the cost, legitimacy and coordination measures are also skewed towards their lower ranges, albeit the coordination variable is less skewed than the other two. Because the dependent variable is also skewed to the lower end of its range and of the hypothesized positive relationship between these explanatory variables and the dependent variable, I expect that the confidence intervals will be tighter for the slopes closer to the zero end of the two variables and will rapidly widen after passing their middle ranges. This means that predictions about the effects that lower levels of legitimacy and coordination have on lower levels of prosecution will be more reliable than predictions made about the relationship at the upper bounds of these to variables.

THE RESULTS

I report the results for the extradispersed Poisson model in Table 5.2. There are a few important things to note about the results beyond just their reliability. The first of these is that the results for the control variables, for the most part, are not significant. The likely reason for this is that universe of cases is truncated in important ways by the fact that only country-years in which prosecution is possible are included in the analysis, thereby decreasing the variation in the GDP per capita, population density, regime type, and judicial independence measures. The only exception here is the CIRI measure. Of course, we expect the CIRI measure to share a statistically significant relationship with the dependent variable due to the fact that the number of violations that occur drives the number of cases that can be brought before the international adjudication body. Results in which the relationship between these two variables was not statistically significant would be inherently suspicious. The positive relationship indicates that prosecution becomes more likely as the number of violations committed in a country-year decrease. This is rather interesting and confirms the logic that citizens are more likely to be outraged and shocked when violations occur to people who are not accustomed to them than when they are committed against people routinely.

	Coefficients[1]	Standard Errors
Costs	-0.311***[2]	0.018
Legitimacy	1.05***	0.257
Coordination	-1.748***	0.563
GDP per capita	0.006	0.085
Population Density	0.094	0.055
Judicial Independence	-0.186	0.196
Regime Type	0.000	0.030
CIRI	0.154***	.046
Lag DV	1.538***	.193
1/df Deviance	**Log Likelihood**	**N**
.501	-295.80	1012

[1]Note: All estimates are derived from an extradispersed Poisson regression unless otherwise noted. The standard errors for this model are scaled using the square root of the deviance-based dispersion.

[2]*** p≤.001; ** p≤.01; * p≤.05

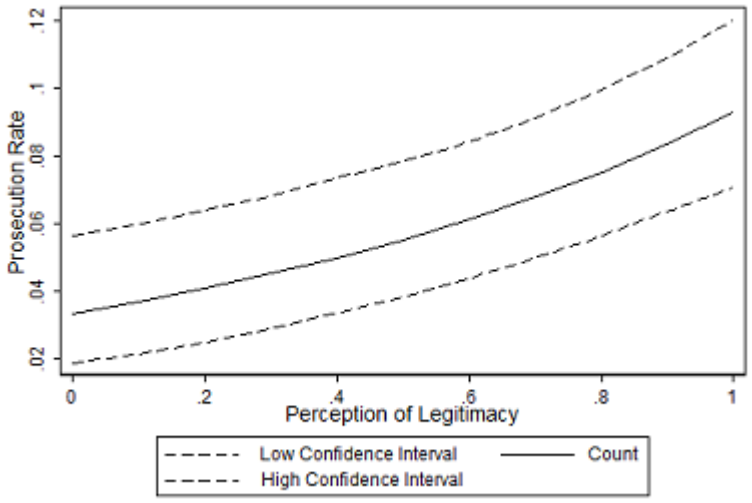
Table 5.2: Determinants of Prosecution Rates in the HRC, 1981-2000

Second, and most importantly, we see from the results that there is support for all of the main hypotheses presented in this chapter. The first hypothesis predicted a positive relationship between the legitimacy of the HRC and the likelihood that complainants will bring a case. The second hypothesis predicted a negative relationship between the costs of bringing a case and the number of cases that will be brought against the country in a given year. The third hypothesis suggested that when states coordinate their violations with peers, they are more likely to get away with them, meaning that fewer cases will be brought against them at the international level.

Third, these findings are extremely illuminating in that they confirm the logic that connects the dissertation as a whole - when states coordinate, they are more likely to be able to get away with violations because they render individual complainants less likely to bring cases against them. Other factors at work are the overall legitimacy of the international adjudication body, in this case the HRC, and the temporal costs associated with prosecuting at both the international and domestic levels. However, before putting too much stock in these findings, it is necessary to take a closer look at the relationships that exist between the independent variables of interest and the dependent variables. I

include graphs depicting the relationships between the three independent variables of interest and the dependent variable in an effort to illustrate the strength of these relationships.

The graphs for the extradispersed Poisson model illustrate the relationship between the three variables of interest in the analysis - the legitimacy of the adjudication body, the costs associated with bringing a case, and the level of coordination that exists between the state in question and its peers - and the expected count of cases brought before the HRC for the entire range of each explanatory variable. I begin my discussion with Figure 5.1, which depicts the relationship between the measure of the legitimacy of the international adjudication body, in this case the Human Rights Committee, and the expected count of cases brought before it. Figure 5.1 illustrates that as institutional legitimacy increases, complainants become increasingly likely to bring cases against the state, which supports Hypothesis 1 from above.

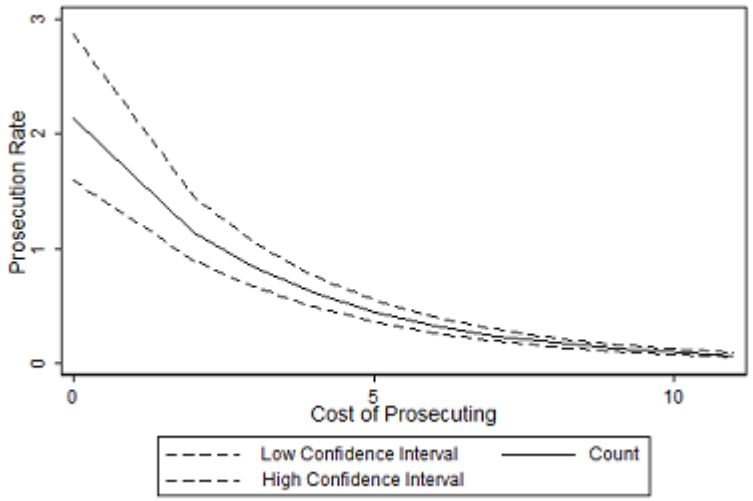


Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 5.1: The Effects of Legitimacy Perception on the Rate of Prosecution

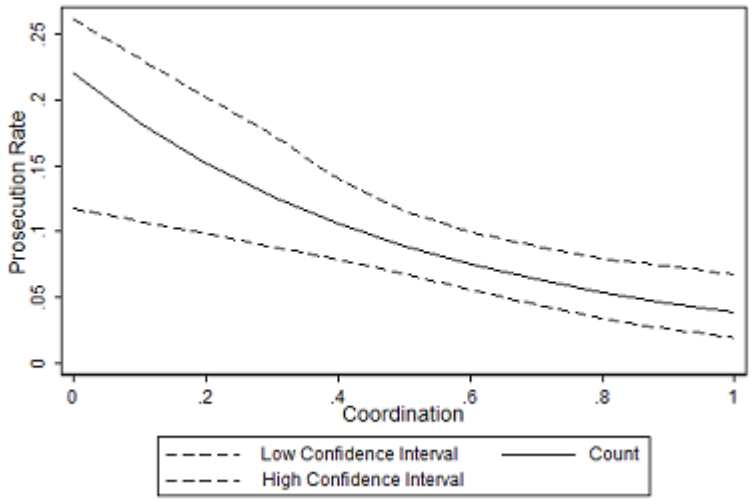
Figure 5.1 contains the graphed relationship between the costs of prosecution and the expected count of cases brought at the international level. We see here that that while the slope is initially quite steep, it decreases dramatically, illustrating that when potential complainants can expect to wait three or more years between being the victim of a human rights abuse and getting the admissibility decision

for their case, they become drastically less likely to bring their case to the international level, supporting Hypothesis 2 from above which states that high costs of prosecution will diminish its occurrence.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 5.2: The Effects of the Cost of Punishment on Prosecution Rates



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 5.3: The Effects of Coordination on Prosecution Rates

Figure 5.3 illustrates the relationship between the level of coordination in which the state is involved and the number of cases that are brought against it. The graph shows a noticeably negative

relationship, indicating that an increase in the percentage of a state's peers with whom it is coordinating its human rights violations leads to a significant decrease in the likelihood that complainants will bring a case against it. The graph shows substantial support for Hypothesis 3, which is the underlying logic of dissertation, namely, that there is safety in numbers for violating states. In the following section I move on to present the results of the robustness checks and to discuss the difference in the various measurement and modeling techniques and which provides the better fit.

ROBUSTNESS CHECKS

In order to be more certain about the robustness of the model produced above, I report results from three models here that employ alternate measures for the perception of institutional legitimacy variable and the cost of prosecution variable. One employs an alternate measure for legitimacy while retaining all of the same covariates as the original model. The second includes an alternate measure for the costs of prosecution concept with all other covariates from the original model included. The third model is estimated using both of the two new measures in place of the originals from the model presented in Table 5.2. I will first discuss these alternate measures before producing the results for the three alternate models in Table 5.3. I will then move on to discuss the differences between these models and the initial model. I begin this section with a discussion of the alternate measure for the institutional legitimacy concept.

In the initial model, I employ a measurement of legitimacy that looks at the percentage of cases in a single country-year for which a decision is made by the HRC in favor of the complainant. This, arguably, provides a fairly tough test for whether individual complainants' perceptions of the HRC as being legitimate matters in their decision-making process over whether or not to bring a case. If complainants only view decisions in favor of their fellow complainants as being evidence of the legitimacy of the body and the HRC cannot feasibly issue a decision in favor of the complainant for every admissible case, the burden of proof is even that much harder for the HRC to meet. These are

circumstances under which we would expect even fewer complainants to bring cases forward due to the fact that their expectations for the role that the HRC should play are extremely high.

The only possible way to make this hypothesis test any tougher is to lessen the possibility for the HRC to be judged as legitimate to an even greater degree. In order to do this, I create a new measure of legitimacy that is systemic in nature. For this measure, I look at the number of cases decided in favor of complainants for a given country-year in relation to the total number of cases brought forward for the system year. Thus, while the original legitimacy measure conceived of legitimacy perceptions as being based on the probability that one would receive a decision in their favor in comparison to their fellow citizens, the new legitimacy measure approaches the concept as being a function of the probability that one will receive a decision in their favor in comparison to all potential complainants in the system. The logic behind the original measure was that complainants in some countries may have more of an advantage in the aim of receiving a judgment in their favor if they happened to be from a country for which cases are regularly heard by the HRC. The logic behind the new measure (and the reason why it is a tougher test for the hypothesis) is that it regards all complainants as equal - no complainant is advantaged it its pursuit of justice because it is from a country with a bad reputation where respect for human rights is concerned.

The costs of prosecution variable in the initial model is measured as the average length of time for all previous country-years (in their country of residence) that potential complainants can anticipate waiting from the time that their rights are violated until the time that the HRC issues an admissibility decision for their case. The idea here is that potential complainants can look to the precedents set by their fellow complainants in order to form expectations about what their own costs will be, were they to decide to bring a case. This measurement is fairly straightforward in that we might reasonably expect that individual complainants would have access to this information and that they would use it in their decision-making process. While the measurement is, in many ways, intuitive, it may not provide the

most difficult test for the hypothesis. It is for this reason that I propose and test an alternate measure here.

In an effort to employ a slightly different understanding of this concept that may provide a tougher test of the second hypothesis from above, I take a similar approach to altering the measure as that used for the new version of the perception of institutional legitimacy measure above. The primary issue with the cost variable from the initial analysis is that it takes on the value of zero for any country-year in which no cases have been previously brought against the state in question. The problem with this is that just because no other complainants have come forward against a given country does not mean that an individual complainant can expect to pay no costs! Thus, I propose the use of a system average which illustrates the average length of time that all complainants who have previously brought cases (regardless of their country of origin) have had to wait between the violation year and the admissibility decision. This means that the cost variable varies by year and not by country in the results reported in the right-most column of Table 5.3, below.

The three independent variables of interest in the model are significant in every version of the model that has been tested. However, when comparing the estimates generated for each of the four models estimated here, we notice that there is some divergence in the magnitude of the estimates. Where the cost of prosecution variable is concerned, we notice that the magnitude of the estimate for the newer measure is bigger than the original measure used in the initial model and in the model which includes only the new measure for legitimacy. The same is true for the legitimacy measure, with the estimates for the newer measure being larger in magnitude than those for the older measure were. Finally, although the coordination measure is the same throughout all of the models, its magnitude is smaller in the original model than in any of the models included in the robustness checks. In order to determine which of these models is the best fit for the data used in this chapter, I compare their ability to predict the probability that cases will take on a value of 0 for the dependent variable. As this is where

the majority of the observations fall in the distribution, there is a tighter confidence interval for predictions at this end of the variation.

	Systemic Legitimacy[1]	Systemic Costs	NEW Model
Costs	-0.168***[2]	-0.529***	-0.411***
	(0.024)	(0.038)	(0.046)
Legitimacy	3.69***	0.512**	2.46***
	(0.321)	(0.197)	(0.414)
Coordination	-2.266***	-2.104***	-1.86***
	(0.567)	(0.594)	(0.587)
GDP per capita	-0.137	-0.261***	-0.309**
	(0.093)	(0.095)	(0.098)
Population Density	0.087	0.054	0.013
	(0.056)	(0.055)	(0.057)
Judicial Independence	0.215	0.179	0.244
	(0.217)	(0.218)	(.224)
Regime Type	0.008	-0.018	-0.013
	(0.029)	(0.028)	(0.028)
CIRI	0.154***	0.209***	0.180***
	(0.048)	(0.048)	(0.049)
Lag DV	0.641***	0.527**	0.535**
	(0.173)	(0.175)	(0.171)
1/df Deviance	0.368	0.341	0.620
Log Likelihood	-246.31	-236.33	-223.29
N	1012	1012	1012

[1]Note: All estimates are derived from an extradispersed Poisson regression unless otherwise noted. The standard errors for this model are scaled using the square root of the deviance-based dispersion. The standard errors are reported in parentheses below the estimates for the two models.

[2]*** p≤.001; ** p≤.01; * p≤.05

Table 5.3: Robustness Checks for Prosecution Rates in the HRC, 1981-2000

The original model predicts that 91.6% of cases will fall into the zero category, whereas the model including the new legitimacy measure predicts that 93.4% will take on a value of zero. The model employing the use of only the new cost measurement estimates that 93.8% of cases will be cases in which no complaint is made at the international level. The final model reported, which includes both new measures, predicts 94.3% of cases will take on a value of zero. When one compares this to the actual values of the dependent variable we see that the original model provides the best fit for the data as it yields the estimate closest to 87.23%, which is the percentage of actual cases that take on a value of 0 in the data. Thus, I submit that the original model provides both a tough test for the hypotheses

and a fairly accurate understanding of the decision-making process in which individual complainants decide whether or not they will bring a case before the HRC.

DISCUSSION

The results for the analysis in this chapter represent important discoveries about prosecution behavior. First, we notice that all three of the hypotheses for this chapter are supported in all of the models. Not only do we now know that institutional legitimacy has an effect on the rate at which prosecution occurs, but we have also discovered that the costs of bringing a case to the international level can be prohibitive for many potential complainants. This has a large effect on the cost-benefit analysis that states engage in when deciding whether or not to violate human rights as we see in the results for Chapter 4. When potential complainants have no faith in the international adjudication process, they are unlikely to bring cases at that level and, thus, states are unlikely to weigh the material costs of punishment associated with violations as heavily as they weigh the effects that such behavior has on their international reputation. Cases that are never brought to the international level cannot affect states' international reputations, thus making this potential cost somewhat of a non-issue in states' decision-making processes.

Perhaps even more importantly, the statistical significance of the coordination variable in the model provides support for the logic that underlies the dissertation as a whole. Because states are concerned about their reputation and the reputational costs associated with the international adjudication process, as we learned in Chapter 4, they tend to focus their efforts on coordinating violations in hopes of ducking under the radar. The statistical significance of the coordination variable indicates that this is the case. Coordinated action on behalf of states decreases the likelihood that cases will be brought against them at the international level. This finding not only confirms the suspicion that states have reason to violate together, but also that their decision to violate together is warranted and does make them significantly less likely to get caught behaving badly.

	Standardized Coefficient	Unstandardized Coefficient
Legitimacy	0.788	1.05
Cost of Prosecution	1.96	0.311
Coordination	1.44	1.75

Table 5.4: Comparative Statics for Key Explanatory Variables, 1981-2000

Due to the fact that the ranges of the independent variables are quite different from one another, I present in Table 4 the standardized and unstandardized coefficients estimated in the extradispersed Poisson model in an effort to illustrate the comparative statics. The standardized coefficients here represent the change in the expected count of cases brought before the UN's Human Rights Committee for one standard deviation increase in each of the explanatory variables of particular interest for this chapter. Table 5.4 illustrates that, of the three, the costs of prosecution exact the largest change in terms of the rate at which cases will be brought for a given country-year, followed closely by the coordination measure. One standard deviation increase in the coordination variable represents a change of slightly less than one and a half cases per country-year being brought before the HRC. How does the interpretation of these standardized coefficients affect our understanding of the theoretical and empirical implications of the results for this chapter?

First, we note that the dependent variable ranges from 0 to 22 and that it only ranges from 1 to 22 in 160 cases. The fact that the occurrence of one or more cases being brought before the UN's HRC makes it exceedingly difficult to gain a detailed understanding the degree to which individual complainants take these factors into consideration. However, the use of the extradispersed Poisson model helps us to do this. Although one unit increase in a dependent variable that ranges from 0 to 22 may not seem like much, when one takes into consideration the overwhelming number of cases that take on the value of zero in this analysis, an increase in one case is certainly a noticeable effect. In some country-years, an increase of one case means that the number of cases brought in the year is actually doubled. For a great many country-years, one case is the difference between the state having to pay

some price (whether material or reputational) for violations committed and getting off without so much as a slap on the wrist.

Second, looking at the relative effects of the three variables, we notice that the legitimacy variable has the smallest relative effect. However, this effect is still notable in the sense that potential complainants' perceptions of the legitimacy of the HRC tend not to vary much over time. This means that we have relatively stable perceptions of legitimacy that lead to fairly stable levels of respect (or disrespect) for the HRC over time. Because the variation in the legitimacy variable over time is somewhat limited, this minimizes the size of the effect that the legitimacy variable can have on the number of cases brought before the international adjudication body. The fact that a standard deviation increase in this variable still manages to bring about an increase of nearly one additional case is certainly notable, even when compared with the other two variables of interest.

Finally, a one standard deviation increase in the coordination and costs variables represent a rather large effect on the value of the dependent variable. Taken all together, this likely means that individual complainants are certainly aware of the states that are in their home states' peer group and the human rights behavior in which these states engage and take this into consideration in their decision over whether to bring their case to the international level. However, it also means that they are even more greatly affected by the personal costs that they will incur by bringing a case to this level. This resonates with our understanding of individuals as rational actors engaged in self-interested behavior. It seems that individuals are primarily concerned with the temporal and material costs associated with long legal battles and consider factors such as international human rights coordination and institutional legitimacy in their decision insomuch as these factors affect the costs that they will pay in order to seek justice at the international level.

CONCLUSION

The results of this analysis are novel in that they bring about a new way of understanding and thinking about individual prosecution behavior. Admittedly, this is because I do not study this behavior as an end in and of itself, but rather as a mechanism for understanding the behavior that states and the international institutions created to regulate their behavior engage in where the issue area of human rights are concerned. Thus, the analysis here is used instrumentally to help provide a more nuanced look at the processes which states are observing when deciding whether or not to commit human rights violations. States, like any individual, are capable of engaging in an action, observing the response, and then learning from this observation in order to do better next time so as to elicit a more favorable response. It is just this sort of behavior that I am positing that states are engaged in. The analysis in this chapter shows the process that states observe - individual complainants choosing whether or not to bring cases against the state based on systemic and country-level factors that they can observe.

The relative importance of the variables in their ability to explain variation in the number of cases brought to the international level illustrates not only the presence of rationally-based thinking on the part of potential complainants, but is also indicative of a larger process at play here. Because the measure of the cost of prosecution variable is measured as a function of the length of time that passes between a violation and when the admissibility of the case concerning the violation is ruled on, we see that the importance of this variable in the model is fueled by a number of processes. First, states that are the subjects of these cases have the opportunity to delay the adjudication process at the domestic level, thereby deterring would-be international complainants from issuing their complaints at the international level because of the length of time associated with this process. Second, as I will show in Chapter 6, the international adjudication body is also trapped in this cycle of trying to work both for and against the states due to its reliance on key states for its own continued survival and its need to prove its legitimacy to the international audience. Thus, in these bodies' attempts to restore their international

legitimacy by making decisions quickly and justly, they are hampered by states' efforts to slow the process and by the bodies' own interests in keeping interested states appeased so that they can continue to operate in the international system without states deciding to put further constraints on their already limited power.

Finally, it is important to point out that the model in this chapter provides some support for the assumptions made in Chapter 4. The assumptions made there were that states are rational and violate only when all forms of punishment are unlikely and that they make this same assumption about their counterparts. The analysis here illustrates that states are engaged in concerted actions not only to violate when punishment is unlikely, but also to act in ways so as to further diminish the likelihood that punishment will occur. The assumptions that are made here, in Chapter 5, are based in part on the findings of Chapter 4, but will also gain support found in the findings for Chapter 6. It is in Chapter 6 that I move on to provide further tests to determine if the assumptions made throughout this project are reasonable and to show the degree to which the behavior of the HRC is affected by the constraining behavior of states as well as its continued effort to remain relevant and legitimate in the international system.

CHAPTER 6: THE BATTLE FOR INTERNATIONAL LEGITIMACY

Having established in Chapter 3 three formally derived hypotheses to test and testing the first two in Chapter 4, I now set out to test the third and final hypothesis from Chapter 3. Before doing this, it is important to note the implications that the findings from Chapters 4 and 5 will have for the results of the analysis in the present chapter. Chapter 4 illustrated both that states coordinate their violation behavior with that of the states that they regard to be either policy or regional peers and that the possibility of domestic punishment increases the likelihood that states will coordinate toward improved human rights behavior. However, of these two findings, the effects of coordination are the most notable. The underlying logic throughout these analyses has been that states rely on the prospect of ``safety in numbers'' - that violating in groups will make individual states more likely to get away with the violations free from punishment.

As complainants select themselves into the analysis for the present chapter, it was important to engage in an analysis of the causes of complainants' decisions to bring cases at the international level before trying to understand why cases get decided in the way that they do at that level. Chapter 5 illustrates that the legitimacy of the international adjudicating body, in this case the UN-based Human Rights Committee, significantly affects the likelihood that individual complainants will bring cases. When the body is not viewed as one that is effective and efficient at carrying out its mandate, individual complainants are less likely to bring cases before it. Furthermore, when the costs of bringing a case are sufficiently high, potential complainants will choose not to bring their case before the body so as not to risk paying high costs for little return. Finally, Chapter 5 illustrates that when states coordinate their violation behavior with peers, complainants are less likely to bring cases before the HRC, indicating that states are safer from punishment when they violate together. This is due to the fact that the HRC has no hope of punishing violations for which a case has not been brought before them.

In addition to making predictions about violation behavior, the model presented in Chapter 3 develops a hypothesis concerning the prosecution behavior of the adjudicating bodies pertinent to international human rights agreements and this chapter will serve to test the hypothesis derived from the model. The hypothesis from Chapter 3 relevant to the prosecution behavior of adjudication bodies is the third hypothesis and predicts that as the cost of prosecution increases, the Committee becomes less likely to decide to prosecute. This hypothesis and, indeed, the model itself is based on two assumptions, one of which is pertinent to the behavior of the adjudication body and one involving the behavior of member states.

ASSUMPTIONS

First, I assume that international organizations are capable of exerting very little pressure on individual member states in the form of material costs and benefits for violating. Although international human rights adjudication bodies are capable of issuing a judgment, they can only do so if a case is brought before them. In the event that a case is brought, they must then choose to decide against the violator and, because they have no independent enforcement mechanism, the likelihood of the judgment that they issue being carried out is low. Furthermore, even if an international adjudication body knows that violations are being committed in one of its member states and a victim brings a case before the body, a punishment can only be issued if all domestic options for prosecution have been exhausted. The barriers that this rule causes for individuals considering the option of international prosecution are numerous.

The first of these barriers is a financial one. Not all victims of human rights violations may have the time and money to engage in a lengthy domestic and international legal battle to get justice, even if they do have the inclination to do so. Legal fees can be high, knowledge of the domestic and international legal system can be costly to come by, and the loss of work associated with a lengthy legal battle can all be formidable financial barriers to seeking retribution for human rights violations. The

costs associated with bringing a case all the way to international level are, in many ways, related to the second barrier to international prosecution: the domestic process.

In Chapters 4 and 5, I discussed in some detail what can cause the strength of these domestic legal barriers to vary when I discussed measurement strategies for the domestic punishment variable. States that have relatively independent judiciaries are more likely to provide complainants with case outcomes that prevent international prosecution because of the perception that justice has already been achieved domestically. In addition to this, the independence of the domestic judicial system plays a role in explaining the variation in the length of the prosecution process. States without an independent judiciary are likely to be able to stall and draw out the legal process in order to prevent a prosecutor from exhausting all domestic options and, thus, preventing them from receiving justice at the international level. While it should be noted that the presence of an independent judiciary does not necessarily guarantee the prosecutor the right to a speedy trial, it does increase the likelihood of the perception of a just outcome to the process.

My second assumption is that violators and victims considering prosecution of violations are aware of the inability of international organizations to take action toward ensuring that punishments are carried out. This disenchantment with the international process may cause even those who know that they would likely receive a judgment in their favor at the international level (after exhausting all domestic options first, of course) to stop short of pursuing the case to that point. The reasoning here is that because the international organization in question has no independent means of punishment, they cannot credibly commit to carrying out punishment for any of their judgments which, ultimately, decreases the probability that violations will be costly to those who commit them and the probability that victims will feel as though they received retribution for the wrongs that were done to them. Furthermore, Chapter 4 illustrated that states are likely to care more about the costs to their international reputations for committing violations than about the material costs that may or may not

come from a judgment issued by an international court. Thus, there is some empirical justification for this assumption on the part of the violating state.

In addition to this, Chapter 5 provides further support for this second assumption in that it illustrates the importance of the institution's perceived level of legitimacy in complainants' decisions to bring cases. This essentially means that, over time, the adjudication body can spiral lower and lower in its ability to constrain state behavior because its past (in)action affects its future performance. As its level of perceived legitimacy decreases, fewer will choose to bring cases in front of it, leading it to issue fewer judgments, and, ultimately, decreasing its perceived level of legitimacy even further. Thus, a low level of perceived legitimacy can actually be reinforcing, causing the institution's legitimacy to decrease through no real fault of its own. Individual complainants, when venue shopping for an international body to hear their case, may actually legitimize one institution at the cost of another.

Having identified the hypotheses to be tested and the underlying assumptions, Chapter 6 proceeds as follows. I first engage in a discussion of the research design, which includes a discussion of the statistical methods used to test the hypothesis and a discussion of the measurements used to operationalize the relevant concepts. I then move on to a discussion of the empirical results. A discussion of the implications for the findings follows. The final section concludes the chapter.

RESEARCH DESIGN

The focus of the empirical test employed in the present chapter is to determine the causes of the Human Rights Committee's decisions to issue a judgment against violators of civil and political rights as defined in the UN's 1966 International Covenant on Civil and Political Rights. The main hypothesis developed in Chapter 3 that will be tested here predicts that as the cost of prosecution increases, the Committee becomes less likely to decide to prosecute. I discuss the methods and approach that I will use to test this hypothesis below.

The Unit of Analysis

Because the actor of interest in this chapter is the Human Rights Committee, the unit of analysis that will be used in this chapter is the case-year. I include observations for every case that was brought before the Human Rights Committee between the years of 1981 and 2000 in the analysis, including the cases which were deemed inadmissible by the Committee. I include cases for violations that occur prior to 1981, dating back to 1967, because the cases were brought before the HRC during the time period of interest. Thus, there are multiple observations for some country-years as countries may have had multiple cases brought against them in a year. This also means that there are many country-years for which there are no observations. There are also some cases with multiple observations as some cases are brought before the Committee, deemed inadmissible, and then brought back before the Committee again to have their admissibility ruled on again.

I choose to use the case-year as opposed to the conventionally used country-year for a few key reasons. The first of these is that the use of the country-year as the unit of analysis renders the instances in which a case is brought in front of the Committee a rare event, which makes obtaining reliable results with the lowest possible standard errors considerably more difficult. Compounding on this is the second reason that I choose the case-year as my unit of analysis, which is that the inclusion of country-years in which no case is brought provides no analytical leverage for understanding the behavior of the HRC. Country-years in which no case is brought do not help us to understand the HRC's decision-making because there is no decision for the HRC to make in these instances. The final reason for the decision to use the case-year is that it raises the number of observations relevant to the analysis and it avoids the issues associated with selecting on the dependent variable by including cases deemed to be inadmissible by the HRC.

The Dependent Variable

The United Nations' Human Rights Committee is one of nine UN-linked human rights treaty bodies and is responsible for upholding the rights outlined in the UN's International Covenant on Civil and Political Rights (ICCPR). The ICCPR upholds a number of rights including the rights to physical integrity, liberty and security of the person, procedural fairness and the rights of the accused, individual liberties, and political rights. These rights are to be upheld for all persons regardless of race, ethnicity, sex, gender, age, or creed. Thus, the purview of the ICCPR covers a broad view of human rights, meaning that the HRC has the potential to hear cases concerning the alleged violation of a number of human rights. This means that the results of this analysis are specific to the Human Rights Committee, but they are generalizable to a number of different human rights practices governed by the HRC.

I choose the Human Rights Committee for the context of this analysis for mainly pragmatic reasons. The first and foremost of these is the fact that that records of decisions and judgments issued by the HRC are a matter of public record, making it easy to collect my own data on every case that was heard by the Committee between the years of 1981 and 2000. Unlike, for example, the Committee Against Torture which issues its decisions to the countries in question privately, the decisions of the HRC are posted annually on the United Nations' website for the Office of the High Commissioner for Human Rights. None of the records are sealed, meaning that I know that my data contains a comprehensive list of all cases heard by the HRC between the date range included in my analysis. Second, as I mention above and in the previous two chapters, the use of the Human Rights Committee as the subject for my analysis provides me with the ability to look at the decisions for cases that address a variety of different human rights violations, increasing the generalizability of the results.

In the analysis I include even the cases that I coded for which the HRC did not issue a judgment. These are cases which the HRC has deemed to be inadmissible, typically because the HRC has assessed that the complainant has yet to exhaust all domestic recourses for punishment. In these instances, the

case recurs in the data as a separate case-year as this is the way in which the case is dealt with in the HRC. For the repeated versions of these cases, the year in which the initial communication from the complainant was received remains the same, but all other information for the observation is unique to that particular observation. The inclusion of both types of cases, those which were deemed to be inadmissible and those which were decided, provides us with a more complete understanding of the types of cases with which the HRC is confronted.

Because there are essentially two stages of the decision-making process for the HRC, I look at each as a separate dependent variable. The first dependent variable represents the HRC's admissibility decision. It is dichotomous, with a value of 1 indicating that the case was deemed admissible and a 0 indicating that it was not. The second dependent variable represents the HRC's final decision either in favor of the state or the complainant. Here, a value of 1 indicates that a decision has been made in favor of the complainant and a 0 indicating that the decision has been made in favor of the state. I model each decision as separate stages of the process. Figure 6.1, below, illustrates the dynamics of this series of decisions.

Figure 6.1: The Effects of Bringing a Case

The Empirical Method

In order to test the hypotheses of relevance to this chapter, I propose the use of two logistic regressions, due to the fact that both of the dependent variables employed in the analysis are dichotomous and not ordered, traits which do not lend themselves to the use of OLS regression. The dependent variables used in the analysis are not ordered in that the Human Rights Committee's decisions for admissibility and against a state or a complainant are assigned nominal values. Logistic regression is an appropriate choice here because it does not make any assumptions of normality, linearity, or homogeneity of variance for the independent variables. Because it does not impose these requirements, it is preferred here to alternate types of analysis when the data does not satisfy these assumptions.

It is important to note that a choice not to issue a decision in the analysis goes against the interests of the Committee in some cases because it means that they are unable to fulfill their mandate to issue judgments on human rights violations and that, in many cases, they are unable to do so because of the claim that their hands are tied by treaty language or due to the fact that they were outmaneuvered by powerful international interests. The decision to decide in favor of the state is also a decision that could be viewed as reputationally costly for the institution in that states are, oftentimes, tried in the court of public opinion before the case makes it to an international adjudication body. This means that even if the state's case has merit and a decision in their favor by the international adjudication body is perhaps justified based on the evidence, the international audience may not see it as such because of the information disseminated by international media sources or transnational advocacy networks. Victims' rights tend to be strongly revered and upheld by international audiences, making decisions on behalf of victims less controversial than any other action that the Committee might take.

Although the analysis here looks at HRC decisions over time, the analysis is not a time-series in nature because the cases included in the analysis do not include an observation for every country-year for the duration of the HRC's existence. Rather, the cases included here are an exhaustive list of all cases brought before the HRC. Thus, I do not employ any lagged values of the dependent variable in the analysis here.

THE DATA

Cases brought before the UN's Human Rights Committee are catalogued on the organization's website and I use these files to collect a great deal of data. Included in the data collected from the HRC's case files are the dependent variables for Chapter 6, which are dichotomous, ranging from 0 to 1. The first regression in the analysis employs a measure of the admissibility decision which gets a rating of 0 if the case is deemed to be inadmissible and a 1 if it is deemed admissible. The second regression in the analysis employs a measure of the Committee's final decision in which a case receives a 0 if a judgment is rendered in favor of the alleged state violator and a 1 if the judgment is found to be in favor of the complainant. The measure includes cases heard under the purview of the Human Rights Committee from the years of 1981 to 2000, of which there are 456. In order to test the hypotheses of interest here, it is necessary to conceive of an appropriate measure for the Committee's costs of prosecution. There are several possible ways to measure the cost of prosecution and I discuss them and my choices here.

The Cost of Issuing a Judgment

One of the independent variables of interest in this analysis is the Committee's cost of prosecution, which can be thought of in two different ways: the cost of ***not*** issuing a judgment and the cost of issuing a judgment. The first of these really refers to legitimacy costs incurred by the Committee when it is seen as not fulfilling its mandate in a timely manner. From the time that a violation occurs, the clock starts ticking. Every day, week, month, and year that violators are able to go without a judgment against them, costs the issuing court some standard of legitimacy. The hypothesis tested in

this chapter predicts that as the cost of prosecution increases, the Committee becomes less likely to decide to prosecute. We can test the hypothesis as is, which I discuss below, but we can also look at the mirror image of this hypothesis by thinking about what the behavior of the Committee would look like if ***not prosecuting*** became costly to it. Both the alleged violators and the alleged victims have a stake in the outcomes of these judicial proceedings, so it is necessary to think about the costs that the Committee pays to the alleged victims ***and*** to the alleged violators: the costs of ***not*** prosecuting as well as those for prosecuting.

Where the decision-making process of the adjudication body is concerned, the interests of the alleged violators and of the complainants result in the adjudicating body being stuck in between the proverbial rock and a hard place. The Committee's initial decision over admissibility is even more difficult than its decision over whether to decide in favor of the complainant or the state. A decision of inadmissibility benefits the state at the expense of both the complainant and the adjudicating body because the complainant receives no decision and the adjudicating body is likely to be perceived by the international audience as dragging its feet and delaying any ultimate decision. However, a decision in favor of the state means that the complainant and any interested parties are likely to perceive the adjudicating body as being unfairly influenced by the state in question, whereas a decision on behalf of the complainant stands the possibility of negative repercussions from the losing state either because the state can choose to rescind its membership or it can simply interfere in the adjudicating body's affairs in such a way as to make future decision-making processes more difficult. Thus, there may likely be circumstances under which the adjudication body could benefit from weeding these cases out by deeming cases in which powerful states are involved inadmissible.

In order to measure the concept of costs for ***not prosecuting*** human rights violations, I turn to data that I collected from the HRC case files. The Committee's website includes information on the violation year and communication year for each case brought before it, as well as the year in which the

Committee decided on the admissibility of the case. In every case, the Committee makes an admissibility decision. I include in the analysis the multiple iterations of a case brought by a complainant. This means that a case's admissibility may be decided multiple times by the HRC before it is ultimately deemed admissible and a decision is issued or the complainant gives up and the case is never decided at the international level.

Once a case is deemed admissible, this decision indicates that the Committee will issue a decision either in favor of the complainant or the alleged state violator. The maximum time span that takes place between a decision of admissibility and a case decision is 4 years and the average time period is 1.32 years. However, nearly half of the cases in the analysis are deemed inadmissible by the court, including the cases whose admissibility is decided more than once. Thus, in order to employ a measure of the cost to the Committee's legitimacy that applies to all cases in the analysis, I conceive of the relevant time period during which the Committee can incur reputational costs as being the time between the year in which the violation occurs and the year in which the Committee issues its admissibility decision. Including in the analysis cases whose admissibility is decided multiple times takes into consideration the fact that some cases may present more difficult decisions for the adjudication body than others. The longer the time span between the occurrence of the violation and the admissibility decision, the more likely it is that the details of the case make that particular case more difficult to decide and that the adjudication body decided the admissibility more than once. This means that the legitimacy measure used here captures the variation between cases in terms of the difficulty of making decisions about them.

Once a case is deemed admissible by the Committee, a decision is imminent, so I do not include this time span in the measure. While this measurement does not reflect tangible losses to the court, it does get at the concept of lost legitimacy that comes as a result of roadblocks to effective enforcement. Even cases for which the decision-making process about the admissibility is difficult and lengthy are

likely to count against the Committee's legitimacy. In other words, even if the HRC has a good reason for taking a long time to decide whether the case is admissible, the international audience is unlikely to factor this information into their judgments regarding the legitimacy of the Committee. Public opinion seems to lack nuance in many cases, meaning that even inadvertent acts can reflect badly on an actor. Thus, I argue that the time lapse between violation and the admissibility decision accurately reflects the costs likely to be paid by the adjudicating body, leading me to the first hypothesis.

Hypothesis 1: *As the costs to the courts legitimacy, or the costs of not prosecuting increase, it will be more likely to deem the case inadmissible.*

The way to think about the cost associated with prosecuting is to think about the power status of the states against which complainants are bringing cases. International adjudication bodies must take into consideration the interests which perpetuate their continued existence. The states that create an institution are essential to its continued relevance in the international system. Furthermore, even states that have become more powerful than they were at the institution's origin hold sway with the institution as they too have relevance to the continued survival of the institution. This means that the powerful states of yesterday and today may be unlikely targets for internationally-based prosecution and, when they are, they may be the states that are least likely to receive a judgment against them because a judgment against them is costly to the regime.

In order to capture this concept, I employ the Composite Index of National Capability (CINC) score as collected by (Singer, 1987). The CINC score is an index of annual values for total population, urban population, iron and steel production, energy consumption, military personnel, and military expenditure of all state members, currently from 1816-2007. This measure is computed by summing all observations on each of the six capability components for a given year, converting each state's absolute component to a share of the international system, and then averaging across the six components. While it could be argued that this measure is a less appropriate way of measuring this concept than simply

using a dichotomous measure of whether or not the state in question is a major power, I take the position that the CINC score gives a more precise measure of the concept as it includes a comparison of the state in question to others in the system. Furthermore, the CINC measure provides a greater amount of variation and, because of this, it gives a more in depth understanding of the relationship that exists between states' power statuses and the likelihood that a judgment will be issued against them.

Hypothesis 2: *When the costs of prosecution are high (i.e. the power status of the state in question is high), the Committee will be most likely to deem the case inadmissible.*

It will also be necessary to include a measure for whether the case is one in which coordination took place. The first hypothesis derived in Chapter 3 indicates that states will choose to coordinate their human rights violations in order to avoid punishment. If this is true, states will be less likely to be punished if they coordinate their violations. The reason for this is that it is necessary to determine if there is, indeed, power in numbers for violating states. States may expect that violating together will minimize the likelihood of ever being punished, but it is important to the broader analysis to determine if this is actually the case. This measure will identify how many of the state's peers are behaving better than it at the time when the state in question decided to commit human rights violations and is derived using Gartzke's measure of regime similarity from the year in which the violation took place. The measure is the same as that employed in Chapter 5, indicating the *percentage* of a state's *policy* peers (who also have cases being brought against them in the country-year) that were illustrating a lower level of respect for physical integrity and empowerment rights in the year prior to the one in which the case was brought before the Committee. I expect that this variable will share a negative relationship with the dependent variable measuring the HRC's final decision because a state who is coordinating its violations with peers will represent a higher capability to influence and constrain the Committee, making it more likely to experience judgments in its favor. This brings me to Hypothesis 3.

Hypothesis 3: *When states coordinate their violations, the Committee will be most likely to decide in favor of the state.*

The Controls

Two control variables are necessary in the analysis. The first of these is the measure of domestic punishment used in the previous two chapters. The domestic punishment measure must be included here because domestic prosecution must occur before an international adjudication body can deem a case admissible. Thus, this variable serves as a control for determining the cause of why a case is deemed inadmissible by the HRC. States with weak domestic punishment mechanisms are likely to have victims bring cases in front of the international adjudication body that are deemed to be admissible because the domestic institutions are unlikely to be able to effectively resolve the issues surrounding the case. Further, because of this domestic inability to resolve the issues, I would also expect that low levels of judicial independence will lead the Committee to issue a final decision in favor of the complainant.

Finally, I include a measure of regime type. As in previous chapters, I use the Polity IV measure in order to understand the relationship between regime type and the dependent variable. The reason for the inclusion of this measure is that democracies are traditionally considered to be less likely to commit human rights violations in the first place and are considered to be more likely to be able to punish the violations that do occur at the domestic level. Thus, I include the measure because it is likely to have important effects both on the likelihood that each case will be deemed in admissible and on the likelihood of whether the adjudication body will decide in favor of the complainant or the state. Here, I expect that a strong positive relationship will exist between the regime type variable and the dependent variable measuring decisions in favor of the complainant. I expect a negative relationship between regime type and the measure for the decision of inadmissibility. Below are the regression equations for Chapter Six.

$$\text{ADMISSIBILITY DECISION}_{it} = \beta_1\text{COORDINATION}_{it} + \beta_2\text{LEGITIMACY COSTS}_{it} + \beta_3\text{POWER STATUS}_{it} + \beta_4\text{DOMESTIC PUNISHMENT}_{it} + \beta_5\text{REGIME TYPE}_{it}$$

$$\text{FINAL DECISION}_{it} = \beta_1\text{COORDINATION}_{it} + \beta_2\text{LEGITIMACY COSTS}_{it} + \beta_3\text{POWER STATUS}_{it} + \beta_4\text{DOMESTIC PUNISHMENT}_{it} + \beta_5\text{REGIME TYPE}_{it}$$

Analyzing the Distribution of the Key Variables

Variables	Minimum	Mean	Maximum
Admissibility Decision	0	0.532	1
Final Decision	0	0.252	1
Legitimacy Costs	0	6.317	20
Policy Coordination	0	.408	1
Power Status	-13.12	-6.83	3.01
Domestic Punishment	-3	1.575	2
Regime Type	-9	8.471	10

Table 11: Descriptive Statistics for the Variables, 1981-2000

Looking at Table 6.1, it is important to think about how the distribution of some of the variables may affect the results of the analysis. First, we notice that the dependent variable measuring the Human Rights Committee's decisions over admissibility looks to be fairly evenly distributed. However, the HRC's final decision looks to be somewhat unevenly distributed in that the majority of the decisions are in favor of the complainant. It is important to note here that, of the 455 cases heard by the HRC, only 61 cases resulted in a decision made in favor of the state. This means that the distribution is somewhat skewed. However, the use of the two separate logit models render this distribution unproblematic as estimates are given for each stage of the HRC's decision-making process.

The distribution of the independent variables is, for some, quite skewed. The policy coordination and power status variables are the only independent variables that are close to being normally distributed. The HRC's cost of decision measure is skewed toward the lower ends of its distribution, while the domestic punishment and regime type variables are fairly skewed toward the upper ends of their distributions. This means that we will expect the legitimacy cost variable to be

better able to explain the cases that fall into the lower ends of its distribution and the domestic punishment and regime type variables will do a better job of predicting that cases that fall into the upper ends of their distribution. This will be largely represented in the width of the confidence intervals seen in the figures below.

RESULTS

Table 6.2 first illustrates the logit regression estimates for the HRC's admissibility decisions. The results illustrate support for both of the hypotheses presented above. The legitimacy variable shares a positive relationship with the dependent variable, indicating that as the costs to the Committee's legitimacy increase, it will be more likely to deem the case admissible. The coefficient for the power status measure shares a negative relationship with the dependent variable. This shows that the Committee is more prone to deem a case inadmissible when the state in question is powerful and could potentially exact costs on the institution as a result of reputational losses that are associated with the publicity that comes from an international trial. Finally, we see that the regime type estimate is negatively correlated with the dependent variable. This is likely due to the fact that democracies are more likely to show respect for human rights and more likely to have independent judiciaries. This means that democracies are more likely able to dispense justice for human rights violations that do occur at the domestic level, resulting in a decreased need for trials in the international context.

Table 6.2 also reports the results of the logit regression for the HRC's decisions on admissible cases. Here, only one variable reaches statistical significance. The coordination variable is negatively related to the dependent variable, indicating that the Committee is less likely to punish states when their human rights violations are part of a coordinated action. This lends further support to the first hypothesis derived from Chapter 3, indicating that when states act in groups, they are more likely to get away with their violations. The fact that no other variables reach statistical significance in the analysis explains the dynamic here in even greater detail. That is to say, that the Committee takes into

consideration the effects that a case will have on its legitimacy and the power status of states when making admissibility decisions, but not when making final decisions on cases it has deemed admissible. This means that the Committee uses admissibility decisions as a way to select itself out of sticky situations in which it might be forced to issue a decision that goes against its larger interests. However, by doing this, the Committee then must focus not purely on the merits of the individual case when issuing the final decision, but on the level of coordination exhibited by the violating state. There are a couple of important implications to draw from here, which I will discuss further in the next section.

Variable	Coefficient[1]	Standard Error
	Admissibility Model	
Legitimacy Costs	-0.074**[2]	(0.039)
Power Status	-0.203***	(0.069)
Domestic Punishment	0.186	(0.180)
Policy Coordination	0.211	(1.01)
Regime Type	-0.204**	(0.075)
Intercept	-0.614	(1.01)
X^2 = 53.11***	Log Likelihood = -178.44	N = 300
	Decision Model	
Legitimacy Costs	-0.110	(0.121)
Power Status	-0.432	(0.384)
Domestic Punishment	0.779	(1.03)
Policy Coordination	-16.00**	(8.67)
Regime Type	0.544	(0.611)
Intercept	-5.575	(6.412)
X^2 = $15.76***	Log Likelihood = -26.45	N = 119

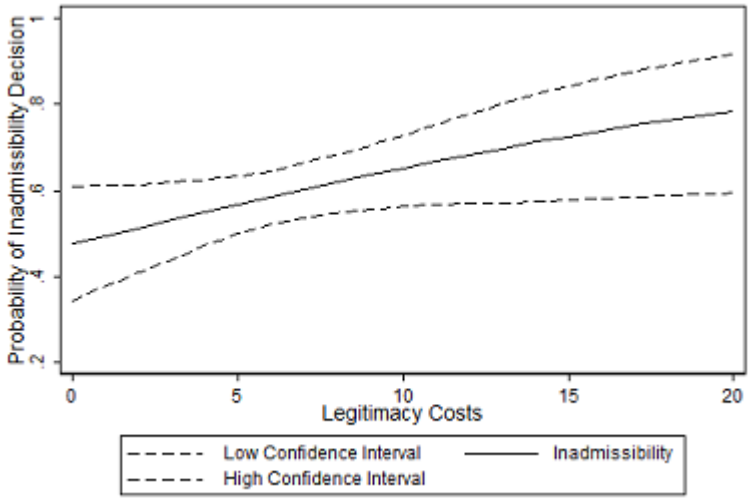
[1]Note: All estimates are derived from a logit regression unless otherwise noted. The numbers in parentheses are panel-corrected standard errors.

[2]*** p≤.01; ** p≤.05; * p≤.10

Table 6.2: The Effects of Judgment Costs on International Prosecution: 1981-2000

Because the results of any type of logistic regression are rather difficult to interpret, I include below figures that illustrate the relationships between the three variables of interest to the chapter (i.e. power status, legitimacy costs, and coordination) and their relationships to the dependent variables. The graphs below illustrate how likely a case is to be deemed inadmissible based on the power status of the state and the legitimacy costs to the institution and to be decided in favor of the state based on the level of coordination in which the violating state is involved. In order to get these estimates, all other

variables are held at their means and CLARIFY was used to generate the predicted probabilities depicted in the graphs (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). I will discuss each of the graphs in turn.

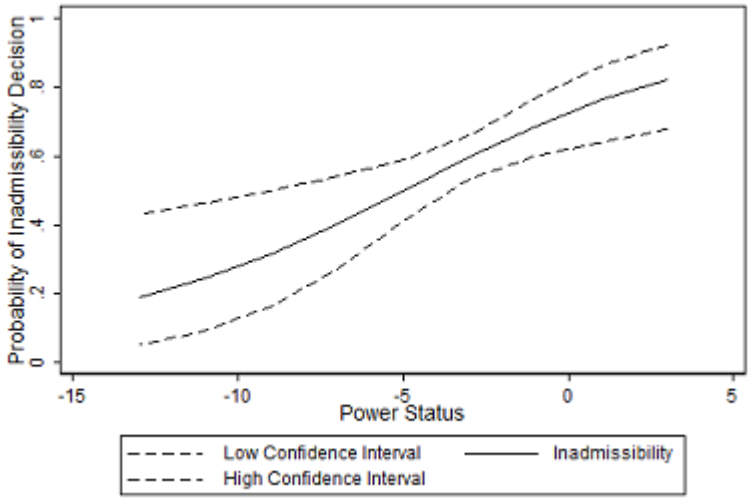


Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 6.2: Legitimacy Costs and a Decision of Inadmissibility

In Figure 6.2, we see that as the costs to the institution's legitimacy increase, the regime becomes increasingly likely to deem the case inadmissible. The length of time that the Human Rights Committee waits to issue a ruling on the admissibility of the case from the time that the alleged violation occurs illustrates the Committee's unwillingness to issue a final decision. This is likely due to the fact that as time goes on, the case begins to be heard in the international court of public opinion. Transnational advocacy networks (TANs) in the realm of human rights, such as Human Rights Watch and Amnesty International, are in the business of publicizing wrongs committed by states to the international audience. Keck and Sikkink (1998) point out that, oftentimes, these networks are responsible for bringing pressure upon international governmental organizations that are responsible for constraining state behavior and then punishing such behavior to carry out their mandate and pursue justice. By putting international pressure on these organizations, TANs can add strength to the voices of victims of human rights violations who otherwise, might go unheard or unnoticed. Because of this

pressure and the naming and shaming that TANs can exact on Committee, its best option is to deem such cases inadmissible and use as an excuse the limits of its mandate rather than to incur further legitimacy costs when it inevitably would have to issue a decision in favor of the powerful states rather than their victims.

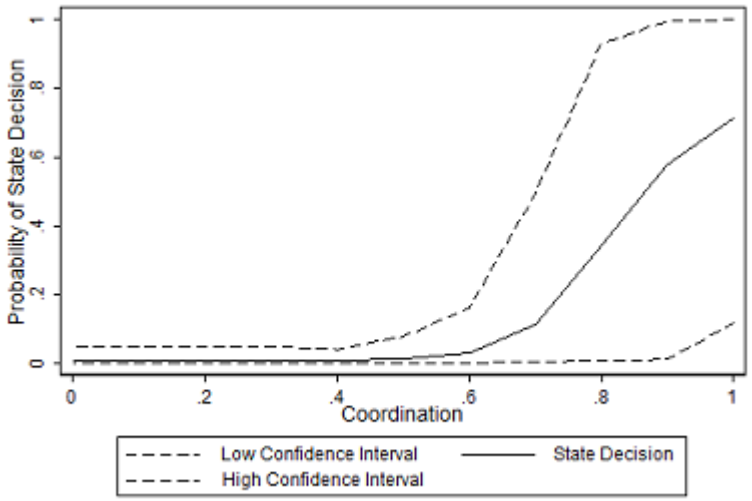


Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 6.3: Power Status and a Decision of Inadmissibility

Figure 6.3 illustrates that as the power status of the state involved in the litigation increases, the likelihood that the case will be dismissed and deemed as being inadmissible by the international adjudication body increases. This provides clear support for the hypothesis tested in this chapter - that as the costs of issuing a decision increase, the likelihood that the Committee will issue a decision decreases. A decision of inadmissibility is really the best case scenario for both the state in question and the international adjudication body when the state in question is very powerful. This is due to the fact that the state and the international adjudication body are tied together in important ways when the state is a powerful. The state desires not to be labeled a human rights violator on the international stage and the international adjudication body desires not to be deemed as being ``in the pocket'' of powerful interests in front of skeptical members of an international audience. Thus, a non-decision prevents either of these scenarios from occurring by attacking the merits of the case, the evidence

available, or the institutional design mechanisms that prevent a decision without putting the accountability in the hands of any of the interested parties.



Note: Predicted probabilities and 95% confidence intervals for each of the figures below were generated using CLARIFY (Tomz, Wittenberg and King, 2003; King, Tomz and Wittenberg, 2000). All other variables are held at their mean.

Figure 6.3: Coordination and a State Decision

Figure 6.3 provides the final confirmation of the hypothesis from Chapter 3 which suggests that states which coordinate their violations are more likely to get away with them without punishment. Here, we see that the fear of increased costs to legitimacy in the final decision-making phase lead the international institution to issue a decision in favor of the state when violations are coordinated, illustrating the fact that the institution is concerned about the effect that groups of powerful states (or groups made up of states with various amounts of power) can have on its continued existence and, thus, its long-term relevance to the international community. This concern seems to trump all others in the Committee's final decision-making process. It is important to note the sharp increase in the likelihood associated with coordination value of 0.6 and higher. This illustrates that, while these cases are rare (indicated by the width of the confidence intervals), states with a particularly large percentage of peers violating human rights increase the likelihood of receiving a decision in the favor drastically over those with only a few peers emulating their behavior. In the following section, I compare directly the effects

of power status, legitimacy costs, and coordination on the Human Rights Committee's decisions in an effort to determine whether the adjudication body is more concerned with its international reputation or the interests of its most powerful members in the adjudication process.

DISCUSSION

The range of the legitimacy costs variable, coordination, and the power status variables are very different, 0 to 20, 0 to 1, and -13.12 to 3.01, respectively. In order to get a better understanding of the relative effects of these three variables on cases' propensity to fall into a particular category of either of the dependent variables, I report standardized coefficients which represent the percentage change in the odds of a case being deemed admissible or being decided in favor of the state associated with one standard deviation increase in each of the independent variables. This allows us to determine the answer to the very important question of whether or not the institution is more concerned with its own reputation or with the pressure exerted on it to fulfill its original mandate. I report the standardized coefficients in Table 6.3.

	Power Status	Legitimacy Costs	Coordination
Admissibility	-27.7***	-38.4***	0.05
Model	(-39.05***)	(-0.089***)	(0.028)
Decision	-84.4	-40.8	-93.8**
Model	(-421.18)	(-0.138)	(-17.04**)

Note: The first number in each cell is is the standardized percentage change in odds. The numbers in parentheses are the unstandardized coefficients.

Table 6.3: Comparing the Effects of Power and Reputation on the HRC

We see in Table 6.3 that one standard deviation increase in the power status variable leads to a 27.7 percent decrease in the odds that the case will be deemed admissible. This illustrates that a state's power status has an important effect on the institution's decision either not to prosecute. However, the effect of the power status variable on the decision over whether to decide in favor of the state or the complainant does not reach statistical significance. Thus, though it may seem to be affected a great deal by the power status variable, the lack of statistical significance here means that we have little confidence in the result which says that powerful states are 84.4 percent less likely to receive decisions

against them in admissible cases. These results seem to indicate that the HRC's prerogative is to rule out cases in which the power status of the state is high in an effort to prevent future legitimacy costs that it would likely pay if it had to reach a final decision on the cases involving powerful states.

An increase of one standard deviation in the legitimacy costs variable seems to lead to a 38.4 percent decrease in the likelihood that the case will be deemed admissible. Much like the power status variable, the legitimacy costs estimate does not reach statistical significance for the second model explaining the Committee's final decisions over cases, meaning that the estimate of a nearly 41 percent decrease in the likelihood that the Committee will decide in favor of the complainant is not an estimate in which much stock can be put. However, the fact that the legitimacy costs variable reaches statistical significance in the first model and not in the second even further illustrates that the Committee's goal is to weed out difficult cases with the admissibility decision. By choosing not to decide cases in which it has already experienced high costs to its legitimacy and in which the state party will likely exact more costs if the decision does not go its way, the Committee is better off deeming the case inadmissible if it displays these characteristics so as to avoid steeper costs in the final decision-making phase of the case.

For one standard deviation increase in the coordination measure, we see a 93.8 percent decrease in the likelihood that a case will be decided in favor of the complainant. The effect of one standard deviation increase in the coordination measure has almost no effect on the admissibility decision and the estimate for the relationship with the admissibility measure does not reach statistical significance. This result is notable not only for its magnitude, but also for its implications. Because coordinated action on the parts of states means that fewer complainants in these coordinating states bring cases forward (as illustrated in Chapter 5), the effect of the coordination variable is suppressed in this model. However, this begs the question: Why does the estimate for this variable achieve statistical significance in the second model explaining final decisions made by the Committee and not the admissibility decisions? I argue that this is because so few cases involving coordinated violations by

states ever reach the Committee. Individual complainants act as barriers in this way, meaning that the Committee can afford to focus most on the legitimacy costs that it faces when deciding on admissibility. However, once the Committee reaches the stage where it must issue a final decision on the case, the coordination variable becomes its primary focus. At this stage, the Committee seems to base its decision entirely on whether violation is a result of coordinated action. This means that the Committee will decide in favor of the complainant every time, due to the fact that this decision results in the fewest reputational costs for it, ***unless the violation is the result of states' coordinated actions***.

There are three very important implications to draw from the analyses in this chapter. The first of these is that coordination not only decreases the likelihood that an individual will bring a case before the HRC, but also that it decreases the likelihood that the state will lose its case in the international trial. This provides the final piece of support necessary in order to illustrate that the overarching logic of this project is supported by the empirical evidence. There is safety in numbers for states that want to violate international human rights law. Thus, the extent to which states mirror the level of respect shown by their peers for human rights directly affects the likelihood that cases will be brought *and* the likelihood that, once brought, a case will be decided in favor of the complainant. Thus, we can conclude from this that states prevent material costs for punishment by avoiding international reputational costs.

The second important implication rests on the fact that states' power statuses seem only to matter in the Committee's admissibility decision. This means that powerful states essentially get selected out of the running for a final decision in the admissibility phase because the Committee wants to avoid the legitimacy costs associated with deciding in favor of a powerful state in the final decision phase or the decision costs associated with deciding in favor of the complainant in this phase. This shows that states do exercise a certain amount of control over the Committee's decision-making capacity in that they are able to use their power to prevent cases that would upset the power balance from being decided against them. However, this also shows pragmatism on the part of the Committee

in that the body chooses cases from which it benefits in issuing a decision. This means that the Committee does have some control over the behavior of states, once we control for the power status of the states. It also illustrates the fact that the Committee's behavior is not entirely controlled by the powerful states that created it. The third implication of the analysis shows the extent to which this is the case.

The third important implication to take away from the analysis here is that there is no such a thing as a principled court in the international system. The fact that the coordination variable is the only one in the analysis of the Committee's final decision that achieves statistical significance illustrates that only once states have accounted for the states whose actions are coordinated, are they then free to make their final decision based on the merits of the individual case. This means that there really is not a sincere desire for international adjudication bodies to make an effort to make decisions based on merit, rather than on the political costs of issuing a judgment in favor of the state that acts alone. When actions are coordinated, the costs of deciding against the state increase, whereas only when the actions are not coordinated can the Committee focus on the evidence before it in and make an effort to make the least biased and most responsible decision that it can.

CONCLUSION

The results of this analysis are novel in that they bring about a new way of thinking about how international adjudication bodies make their case decisions. Where, previously, many would have argued that state power alone would be sufficient in explaining decisions made by international adjudication bodies, the analysis here shows that this is not necessarily the case. Where Chapter 4 illustrated that states base their human rights behavior on concerns for their reputation amongst their peers, Chapter 6 shows that reputation matters to states and institutions alike. Further, it shows that institutions work to preserve their own reputations in addition to those of their powerful member states by refraining from issuing a decision when they can do so without being viewed as favoring the state

unfairly. Because institutions have the outside option of issuing no decision at all, they make an effort to preserve themselves from accepting most of the blame for making a decision that could be perceived as unjust in favor of a guilty state party while at the same time protecting the state's reputation from the scar that would result from a decision in favor of the complainant.

All of this illustrates that while international organizations are not necessarily the most exogenous cause of international behavior, they are certainly an important intervening variable after power is considered as Keohane and Martin (1995) point out. After controlling for power, the effect of legitimacy costs - the costs of ***not*** issuing a judgment - still have an important effect on the Committee's behavior. This means that the Committee issues decisions that illustrate its desire to put its own interests above those of the state. This process may manifest itself as the institution bowing to the will of powerful states, but we see from the models of the two stages that the Committee, while constrained by state power, the decisions of complainants over whether to bring cases, and the coordinated actions of states, ultimately makes its decisions based on its considerations of how all of these constraints will affect its own legitimacy. Thus, the interests of the institution itself cannot be said to perfectly align with those of powerful states or even those of complainants but, rather, its own ability to continue to survive and thrive in the international system.

Finally, the tests conducted in this chapter support the assumptions made in the model in Chapter 3. International organizations are not capable of bringing large material costs to bear on their member states - even when they issue a judgment against them. States, while capable of bringing reputational costs against the institution, are not as capable of doing so as are the complainants. However, the costs to reputation that both the international adjudication body and the complainant can bring against the state are nontrivial. Of the cases that are deemed to be admissible, the majority are decided in favor of the complainant. The second assumption, which suggests that states and complainants are aware of the institutional weaknesses of the relevant adjudication body also seems to

be supported by the analysis as we see that those complainants who show resolve in the adjudication process are likely to get justice and that the powerful states are typically capable of swaying the Committee in their favor through power-based mechanisms, as long as the legitimacy costs for the Committee are not prohibitively high.

CHAPTER 7: CONCLUSION

The overarching goal of this project was to determine, first, the degree to which states coordinate their human rights behavior and, second, the effects that this coordinated behavior has on the victims of human rights violations and the international adjudication body tasked with punishing such behavior. The empirical chapters in the analysis provide resounding support for the hypotheses formally derived in Chapter 3, illustrating that states tend to emulate the human rights behavior of their peers, whether regional or policy-based, and that such coordinated action renders the victims of violations less likely to bring a case against the state at the international level and renders the international adjudicating body less likely to issue a decision in favor of the complainant. In what follows, I look to also define and point out various other conclusions reached in the analysis of these behaviors which are less central to the project but of equal theoretical and empirical importance to the study of international human rights compliance.

This project has shed light on compliance in the issue area of human rights by analyzing the behavior of the states who commit violations, the victims of violations in their choice to bring a case at the international level, and on the response of the UN's Human Rights Committee to cases brought. The approach to understanding the behavior of the relevant actors is novel in that it has assessed the issue of human rights compliance behavior and the reactions of those involved as being a result of coordinated actions on the part of states. In order to better understand why and when states coordinate their human rights behavior, Chapter 3 served to develop a formal model of the interaction that takes place between states and between states and an international adjudication body. Chapter 4 included a model meant to explain why states exhibit changes in the level of respect that they show for human rights from year to year and to test the second and fourth hypotheses developed in Chapter 3. In Chapter 5, I develop and test hypotheses meant to explain the rate at which individual complainants bring cases before the international adjudication body, one of which is the first hypothesis developed in

Chapter 3. Finally, in Chapter 6 I test the third hypothesis from Chapter 3 which makes predictions about the circumstances under which an international adjudication body will issue decisions over admissibility and, then, on behalf of either the state or the complainant.

The three empirical chapters included here test the implications of the formal model with regard to the United Nations International Covenant on Civil and Political Rights of 1966. Because membership in the ICCPR is universal, it is possible for me to consider all states in the system for the analysis in Chapter 4. The adjudication body for the ICCPR is the UN-based Human Rights Committee and the analyses in Chapters 5 and 6 focus on cases brought before this body in particular. The universal membership of the ICCPR, the transparency of its case files, and the nature of the human rights that are under its purview make it a particularly pragmatic choice for the analyses in these chapters.

This final chapter proceeds as follows. I begin by summarizing the findings of individual chapters and then drawing connections between all of the individual parts of the project. The following section serves to discuss potential future projects that would serve to illuminate more of the dynamic that I have identified over the course of working on this project. A third section discusses the research implications for the project and identifies the other treaties and types of international cooperation to which the findings here can be applied. The fourth and final section of the chapter will discuss the policy implications of the work as a whole in an effort to illustrate that knowledge supplied here has important implications for decision-makers in states and international adjudication bodies.

A LOOK AT THE MOVING PARTS

The formal model in Chapter 3 presents a lens through which we can analyze both interactions between states and between groups of states and international adjudication bodies in the issue area of human rights. The model is based on the preferences of states and those of the international adjudication body. The states prefer to violate human rights with impunity, simply put. The

international adjudication bodies prefer that no violations take place but that, if they do, the body will be able to successfully punish those committing the violations. These preferences simultaneously illustrate the common goals of states where human rights behavior is concerned and the interests of the international adjudication bodies that conflict with the goals of states. Because of these conflicting interests, states and the international adjudication body must act strategically so as to maximize the likelihood that their preferences will be met. It is this strategic interaction that is the focus of the entire project.

The model in Chapter 3 sets forth four hypotheses, formally derived, and meant to be tested in the later empirical chapters. The first hypothesis derived from the model indicates that states prefer to violate when the probability of domestic punishment is low, meaning that we should see fewer instances of violation under circumstances in which the state's domestic adjudication process is independent from the state itself and when there is a strong rule of law in the state. The second hypothesis predicts that individual states will choose to violate human rights when their peers are also doing so. This hypothesis is based on the logic that if states want to decrease the likelihood of any punishment by acting in a group so as to increase the costs of punishment for any adjudication body. The third hypothesis advances the notion that the power and influence of violating states negatively affects the adjudication body's willingness to try the case or to decide in favor of the complainants. Here, we see that the adjudication body's concern is not just the number of states violating, but also the power identity of the states violating. The fourth and final hypothesis predicts that states will refrain from violating human rights when the probability of punishment is sufficiently high and/or when their peers are not violating human rights. This hypothesis indicates that, while states are concerned about how their peers perceive them, they are also concerned about the material costs that they may have to pay individually.

Summarizing the Empirical Findings

In order to empirically test the hypotheses derived from the model in Chapter 3, I begin in Chapter 4 by analyzing the first step in the strategic interaction that occurs in the violation process - that of states' decisions over whether to increase or decrease their level of respect for civil and political rights as defined by the ICCPR. Predictions over this decision are found in Hypotheses 1, 2, and 4 in the formal model. Chapter 4 yields support for all three of these hypotheses, illustrating statistically significant estimates for the effects of coordinated action as defined by both policy peers and regional peers and for the effects that the probability of domestic punishment has on state action with regard to physical integrity rights, empowerment rights, and women's equality rights (all of which are covered by the UN's ICCPR). This provides support for the first and second hypotheses from the formal model in Chapter 3. Furthermore, analyzing the comparative statics of the model sheds further light on the fourth hypothesis. Namely, I find that when a state is making a decision over whether to increase or decrease their level of respect for civil and political rights, the behavior of their policy and/or regional peers is a more important element in the process than is the consideration of the possibility for domestic punishment.

There are a few important implications that arise from the Chapter 4 findings. First, it would seem that states care more for their reputation amongst their peers than they do about any material costs of violation that they may pay after adjudication at the domestic level. This may seem, initially, to contrast with rational choice assumptions that would have us predict that states are looking out only for their own best interests and focusing most on short term and/or relative gains, leaving us to wonder whether this finding has negative implications for the rationality assumption. Second, the fact that states seem to care so deeply about their international reputation directly contradicts arguments such as those made in selectorate theory, which suggest that human rights violations are entirely domestically-based calculations that rely on states' increased ability to consolidate domestic power

when they suppress the rights of minority groups. Third, these results beg the question of whether states coordinate their behavior in an effort to avoid punishment as a result of collective action or if they do so in an effort to ``keep their friends close'' in order to continue to benefit from positive interactions with peers in the international context. These questions and others are answered in subsequent chapters.

The analysis in Chapter 5 addresses Hypothesis 1 from the formal model along with two additional hypotheses that are not formally derived. It also serves to provide additional insight to the results found in Chapter 4. Here, I analyzed the effects of coordination, institutional legitimacy, and the costs of prosecuting on the rates of international prosecution in each country-year. The analysis provides support for Hypothesis 1 from the formal model, indicating that the coordinated efforts by states to violate civil and political rights decreases the number of cases brought against them at the international level. Because a case must be brought by individual complainants in order for there to be any chance that an international adjudicating body can hear and/or decide on the case, individual complainants are key to the international punishment process. In order for us to decisively determine that coordinated action diminishes the probability of punishment at the international level, it must be the case that coordination decreases the rate at which individual complainants bring cases. The results in Chapter 5 illustrate that this is the case.

Furthermore, I develop in Chapter 5 two additional hypotheses regarding the decisions of individual complainants to bring cases at the international level. The first of these predicts that as the level of perceived legitimacy of the UN's Human Rights Committee for a given country-year decreases, individual complainants will be less likely to bring their case before the body. The second hypothesis developed in this chapter projects that as the costs of prosecution increase (measured as the length of time over which legal fees and other material costs would accrue), the rate at which individual complainants bring cases before the HRC will decrease. I find substantial support for both of these

hypotheses in Chapter 5. Although, the comparative statics for the chapter indicate that institutional legitimacy and prosecution costs affect the rate at which international prosecution occurs to a lesser degree than does coordination. This means that from an individual standpoint, at least, complainants adhere more strictly to evaluations of the material costs of prosecution than they do to more normative concerns associated with their sense of justice.

Finally, in Chapter 6, I determine the effects that the power identity of violating states has on the decisions made by the UN's Human Rights Committee, pertaining to Hypothesis 3 from Chapter 3. The tests in Chapter 6 provide support for the hypothesis that powerful states are more likely to get away with violations at the international level. In fact, the results from this chapter illustrate that for powerful states, the HRC is most likely to deem the case inadmissible and decide not to issue a judgment either way in the case. Because the HRC has little to no control over what cases are brought before it, its only option once a case is brought is to deem the case inadmissible, meaning that it does not have to issue a final decision, if it wants to retain legitimacy by not issuing a judgment in favor of powerful states in every instance. The reasoning behind this is that such behavior would turn international public opinion against and decrease the legitimacy of the institution.

The lack of control that the HRC is capable of exerting over the circumstances under which it is placed by the combined actions of individual complainants and member states can make things very uncomfortable for the body. As I discuss in Chapter 3, international adjudication bodies' first preference is that no human rights violations occur. This is due to the fact that when no violations occur, the body gains the perception amongst members of the international audience that it is a competent organization, which ultimately means that it is not put into the difficult position of having to disappoint someone by deciding against them in the legal proceedings. The underlying process at work here is the HRC's need to appease the state interests that formed it and allow for its continued existence and its need to appease the interests of the international community by upholding and fulfilling its mandate.

The problem arises in the fact that these interests are nearly always opposed, meaning that when the HRC makes a decision, it is necessarily lowering the opinion that either the state or the international community have of it. It is for this reason that the admissibility decision is such an important component for the HRC. A decision of inadmissibility means that it does not have to issue a decision that is starkly at odds with international public opinion or state preferences. However, a decision of inadmissibility can also lend credence to claims that the institution is epiphenomenal and does not really uphold international justice.

Pulling It All Together

In an effort to bring all of the findings in the various chapters into one cohesive message, it is necessary to discuss here the implications that the findings from each of the chapters have for each of the other chapters. In order to do this effectively, it is necessary to boil down the specific findings into their most basic conclusions. The findings from Chapter 4, put simply, raise the question over whether states' coordinated actions indicate that they care more about their international reputation or about the individual costs associated with violating human rights. Chapter 5 serves the purpose of illustrating that not all institutional inefficiency that we observe is a product of the behavior of the institution itself. In fact, the institution's hands are tied in such complex ways by the actions (or inaction) of complainants and states that concerted behavior on its part is exceedingly difficult. This segues into the findings of Chapter 6 which illustrate the institutional response to such constraints.

The central questions that arise after reading each chapter, as I see them, are as follows. First, which do states care more about where the issue area of human rights are concerned: their international reputation or the possibility of punishment at any level? Second, to what extent do individual complainants constrain states' future violation behavior? Third, how do international human rights adjudication bodies affect the behavior of both states and potential complainants? In order to answer each of these questions, it is essential to look at the intersections of the three empirical

chapters. In looking at these connections, it becomes possible to see how the larger picture comes together and to draw implications for future research as well as for the theoretical and policy implications of the project.

When addressing the first question, it is necessary to pull from the results of all three empirical chapters. Chapter 4 illustrates, specifically for states, coordination has a larger effect than does the possibility of *domestic* punishment. This finding may lead us to the conclusion that states care more about their reputation than they do about punishment, in general, whether it is at the domestic level or the international level. However, I suspect that answering this question accurately requires a bit more caution than this. The findings in chapter 4 refer only to *domestic* avenues of punishment and don't speak at all to the possibility of international punishment. Because we cannot draw conclusions about the effects of international punishment from the results of this chapter (since states cannot know ex ante that the circumstances could lead to *international* punishment), we must turn to the results from Chapter 6 which illustrate that powerful states tend not to be punished by the HRC in the unlikely event that a case is brought against them at that level. This *is* information that states have ex ante in that they know their power identity when they commit the violations and that huge shifts in power identities tend not to occur over short time spans. Thus, we might draw the conclusion that reputation matters only after states consider their power identity and the effect that this will have on the adjudication body.

However, drawing a conclusion at this point would be premature because if we look to Chapter 5, we see coordination has an effect on the rate at which individual complainants bring cases against a state. However, regime type and GDP per capita also have sizable effects and these are, in many ways, indicative of the requisites for state power today. This may, when taken in conjunction with the findings of Chapters 4 and 6, indicate that for powerful states, power is all that matters, but that for weaker states, coordination is their only chance to get away with violations. This means that we could expect for powerful states, in this context, to be the ``first movers'' where human rights coordination is

concerned and answers the question of who it is that begins these coordinated movements of human rights violations. There are important policy implications for this and I will address them in the final section of this chapter.

Where the second question is concerned, it is important to think about the relative weakness of individual complainants in relation to states and the international adjudication body. This relative weakness might very well lead us to believe that these mere individuals can have little to no effect on the states that commit human rights violations. However, the findings of this project indicate that this is not necessarily the case. Individual complainants *do* seem to have an important effect on states, albeit indirectly. The analyses in Chapters 5 and 6 provide substantial evidence to the contrary, with only 456 instances of cases being brought out of the 4,256 country-years included in the analysis. If so few human rights violations are ever prosecuted, how is it possible to say that the complaints of individuals affect states?

The answer here is fairly straightforward. As I discuss in Chapter 5, states are aware of the fact that very few human rights violations are ever brought to trial at the international level. In order for cases to be brought at the international level, they must first be brought at the domestic level, as the rules of the HRC are that all domestic courses must be exhausted before a case can be deemed admissible at the international level. This means that states have some control over which cases get brought to the international level. For those cases in which the complainant does not receive what they perceive to be justice at the domestic level, there is an increased likelihood that they will choose to bring their case to the international level. While this may seem to be evidence to illustrate the control that states can exercise over victims, it is important to note that the control can flow both ways. If states coordinate their actions in an effort to avoid material and/or reputational costs, it is possible that this is an effort to prevent cases from being taken from the domestic level to the international level.

I discussed in Chapter 5 the extent to which states have an incentive to stall the domestic judicial process in order to increase the costs to individual complainants for bringing cases. It is also quite possible that there may be incentives for states to *expedite* the process in cases for which the costs at the domestic level would be lower than they would be at the international level. What do these costs include? Punishment at the domestic level is likely to consist of monetary remuneration to the individual(s). Punishment at the international level is at the same time more complex and more difficult to observe. When individuals bring complaints, regardless of what the results of the admissibility decision are, this becomes a blight on the state's reputation. When states are party to international agreements with human rights conditions or when violations are perceived to be particularly egregious, this blight on their record can be much more materially costly than if the domestic or international adjudication body were to issue a decision in favor of the complainant. Remunerations to victims of violations are a drop in the proverbial bucket in comparison to lost trade or the inability to shape international relations in any way because of a new status of being a human rights pariah state.

Having established the fact that states and complainants have an important effect on the behavior of the adjudication body in that both actors can work to tie the hands of the institution, I now turn to the effects that the adjudication body has on these two actors. Because the interaction between these three actors requires that all must take the anticipated behavior of the others into account when deciding what their own actions should look like, answering these questions leads us to turn first to the findings in Chapter 6. Legitimacy costs to the HRC and the regime type and power status of the violating are the three variables which share a statistically significant relationship with the HRC decisions over admissibility. While power status and regime type are certainly important to the analysis of this chapter, the measure of the legitimacy costs associated with the institution's decision are key to understanding the way that the institution's actions affect the behavior of both states and potential complainants.

As I have discussed previously, international adjudication bodies receive more benefits from some decisions than from others. The extent to which they receive benefits from some decisions over others is captured, in part, by the notion of legitimacy costs as measured in Chapter 6. This measure from Chapter 6 is based on the length of time that passes between when a violation occurs and when an admissibility decision is issued and captures the length of time that the institutions can force the states and the complainants to wait for a decision. However, there is another element here that is important - the traits of individual cases. Individual complainants and states must meet certain evidentiary and adjudication standards in order to have a chance at receiving a decision from the HRC that is in their favor. This means that the HRC, in many ways, set the ``rules of the game'' by which states and complainants must play in order to receive justice from the institution.

For states, this essentially equates to making efforts to ensure that the adjudication process at the domestic level gives the complainant little incentive to take their case to the international level either because the complainant believes that justice has been served at the domestic level or because aspects of the country-year are prohibitive to international adjudication. Chapter 5 indicates that complainants are less likely to bring cases if the state against which they would bring a case has coordinated its human rights violations with peers. This means that the potential for the international adjudication body to hear and decide on a case influences states' decisions to coordinate their violation behavior. This fact speaks not only to the effect that international adjudication bodies have on states and complainants, but also to the first question posed in this chapter over whether states care more about reputation or the material costs of punishment. When we synthesize the results of all three empirical chapters, we see that reputation and the material costs of punishment are inextricably linked.

Where the complainants are concerned, the influence of the international adjudication body is more explicit as these effects were directly tested in Chapter 5. Complainants must take into consideration the fact that the costs to bring cases in front of an international adjudication body are

compounded by the fact that prosecution must happen at the domestic level as well, increasing the overall length of time that the adjudication process spans. Furthermore, Chapter 5 indicates that complainants are influenced by the HRC's record of decisions that find in favor of complainants. This means that the effect of the international adjudication body on the complainants is a direct one.

The answer to this third question illustrates the rather complex nature of the interaction that takes place between these three actors such as it is not completely illustrated in the game presented in Chapter 3. Each individual actor has the potential to exact costs on each of the other actors. Thus, there are a number of moving parts in these interactions, all of which each of the counterparts must consider in their individual decision-making processes. This fact has interesting theoretical and policy implications, which I will discuss in later sections. I turn now to a discussion of how to move forward with this particular line of research.

Moving Forward

While the empirical analysis in this project answers a great many questions heretofore unanswered, it also brings forward a great many more questions to be answered. I identify three topics here which I think are key to shedding additional light on the research completed herein and to moving forward with this project. The first of these addresses the role that the domestic adjudication process plays in the process. It is important to determine how the costs of domestic punishment affect states and how the costs and effects of domestic prosecution affect the international adjudication process. Second, the merit of individual cases is not included in the analysis here. There is a wealth of data to be collected on subject matter and evidence presented for each individual case brought forward to the HRC that could be brought to bear to understand the decisions of both the adjudication body and the individual complainants' decisions to bring cases. Finally, I would be interested to determine how these models work to understand the interactions that take place between states, complainants, and *regional*

organizations. Does the coordinated effort on the part of states affect the adjudication process for *regional* human rights courts? I discuss each of these topics in turn below.

Turning first to the role that the domestic adjudication process plays in all of this, the primary research question that surfaces is: What efforts do states make to either stall or expedite the adjudication process at the domestic level and how do these efforts affect the likelihood of international prosecution? As I have discussed extensively throughout this project, there are a number of ways that states can work to either stall or facilitate the adjudication processes at both the domestic and international levels. These methods include, but are not limited to, state efforts to bribe or coerce judicial officials, reach a settlement with the complainant, issue a formal apology for the violation(s), and/or continue committing the same types of human rights violations that got them into trouble in the first place. Do states' decisions to use these types of efforts during the domestic adjudication process affect the propensity for individual complainants to bring cases and/or the probability that cases, once brought, will be decided for the state or deemed inadmissible? I suspect that the sincerity with which states make efforts to rectify past violations will decrease both the likelihood that individual complainants will bring cases to the international level and the likelihood that, if brought, these cases will be decided in favor of the complainant.

Moving on to the second topic for future research, individual case characteristics, I pose two research questions. The first of these asks what effects the individual case characteristics have on the domestic adjudication process. The second question asks about the effects of individual case characteristics on the international adjudication process that follows. The analysis in the current project overlooks the effects of individual case characteristics because collecting the data on these characteristics was beyond the scope of the project. However, in order to gain a more complete understanding of how the merits (or lack thereof) of these cases affect the propensity for individual complainants to get justice at the domestic level and to look at the effects of how attaining justice at the

domestic level affects the rate at which cases are both brought and decided in favor of the complainant at the international level would draw a more complete picture of the interaction studied here. This would entail the use of data collected in the country-violation-year unit of analysis and would involve a significant data-collecting undertaking, but it would allow us to more fully understand both whether individual case merit matters in complainants' decisions to bring cases at the international level, the decisions reached at this level, and whether or not the merits affect states' decisions over how to either stall or expedite the judicial process that occurs at the domestic level. My hypotheses here are that as the merit of the complainant's case increases, the state will be more likely to appease at the domestic level in an attempt to prevent international adjudication, the complainant will be more likely to seek international adjudication, and the international adjudication body will be more likely to decide in favor of complainant (controlling for the power status of the state, of course).

Finally, addressing the topic of regional human rights organizations and courts, I propose one broad research question that mirrors the motivating question for this project: Do states' efforts at coordinating human rights behaviors decrease the likelihood of detection and punishment by regional organizations? Here, the two conceptions for the coordination measure in Chapter 4 would have to be collapsed. Because regional organizations do not have jurisdiction outside of the region, their decisions are unlikely to be affected by states' decisions to coordinate their behavior with states outside of the body's jurisdiction. Thus the coordination measure would need to be redefined as regionally-based policy coordination so that the policy measure is truncated by regional affiliation.

Naturally, this broader question breaks into the same component questions as the current project does with the application shifting to regional organizational contexts. The modified coordination measure would be used in the analysis for each of the three component research questions and the hypotheses would be the same as they are in the current analysis. First comes the question over whether regional policy coordination affects changes in the level of respect for human rights for the

state in question. Second is the question over whether these regional policy coordination efforts minimize the likelihood that complainants will bring cases before the regional organizations. Finally, there is the question of whether regional policy coordination minimizes the instance of judgments in favor of the state. My suspicion here is that the regional nature of these courts may provide more modest support for these hypotheses than does the HRC which has universal membership. My reasoning behind this is that coordination tends to happen in both the policy and regional senses, meaning that there is likely to be less variation in this measure in the context of regional organizations.

THEORETICAL IMPLICATIONS

What are the theoretical implications of these results for other treaties and other international cooperation efforts? I see two important theoretical implications of the results in this analysis. First, the research has implications for the way that we conceive of rationality where human rights compliance is concerned. Scholars frequently dismiss institutional effects of human rights treaties because, as they point out, the punishments issued by these organizations are typically either non-existent or weak. However, if the actions of international adjudication bodies actually cause states to change their violation strategies, this presents a new way of conceiving of the effects that these bodies can have on individual states' (as well as groups of states') behavior. Second, scholars typically approach issues of institutional compliance with human rights treaties as being akin to Prisoners' Dilemma-like problems. The results of this analysis indicate that this is wrong. I will discuss each of these in more detail here.

The (Non?)Effects of Punishment

Many scholars writing under the liberal tradition have argued that states generally sign onto international agreements expecting to comply with them, but may fail to do so as a result of limited domestic institutional capacity (Hafner-Burton, Mansfield and Pevehouse, 2008; Neumayer, 2005). Thus, compliance primarily becomes an issue of institutional design features. Others have argued that states

are more likely to comply with rules if they were socialized to believe that non-compliance is a norm violation (Finnemore and Sikkink, 1998). Still others take the position that non-compliance is avoided by states if they believe that such actions would lead to adverse reputational effects (Davis, 2004; Lipson, 1991). Finally, some have argued that compliance is more likely if material incentives exist that outweigh the benefits of non-compliance (Grieco, 1988; Powell, 1994). Despite the progress that has been made with the use of these approaches, a large majority of the work has been driven by a genuine concern with securing compliance. This has led to researchers focusing overwhelmingly on cases in which compliance is relatively strong and violations are notably absent (Checkel, 2001; Finnemore and Sikkink, 1998; Haas, 1998; Hafner-Burton and Tsutsui, 2005; Hafner-Burton, 2005; Moravcsik, 2003; Poe and Tate, 1994; Slaughter, 1995).

In strong contrast to this flawed approach, I focus on cases in which compliance is relatively weak and violations are notably *present*. My findings illustrate that some synthesis of these divergent understandings of institutional compliance is necessary in order to understand why states comply (or fail to do so). My findings provide considerable support for the supposition that states look to avoid adverse reputational effects and that they are more likely to comply if the material incentives to do so outweigh the benefits of non-compliance. Whether these actions are a result of the level to which states have internalized international norms against human rights violations is not entirely clear, but the results do seem to indicate that limited domestic capacity to deal with violations can greatly affect the rate at violations take place. Thus, ultimately, it seems to be the case that while states are certainly concerned with their reputations at the international level, it is certainly likely that the reason for this is because of the implications that a diminished reputation might have on their ability to avoid the material costs associated with violations.

This leads me to suggest that, perhaps, the best way for scholars to approach questions of compliance is to make an effort to try to better understand the intersection of reputational and material

costs by answering a couple of key questions. First, how can reputational costs and benefits be directly measured? It can be difficult to see changes in states' reputations as they occur because it's difficult to measure perception. Because of this same difficulty, the question of whether states are aware of the risks to their reputation prior to engaging in any particular behavior is also a difficult one to answer. It seems that the best way to go about this is to engage in process-tracing by observing acts that go against international laws and norms and then to trace responding states' responses to these actions while looking into the responding state's own behavior with regard to the law or norm.

In an effort to determine whether the findings here can be applied to compliance rates with other human rights organizations and to compliance in other issue areas, it is necessary to identify the differences between both the HRC and other human rights treaty bodies and the differences between compliance in the issue area of human rights and other issue areas. The HRC does not really differ in any significant way from the adjudication bodies of any of the other human rights treaties with universal membership. However, it does differ from regional adjudication bodies in that there is wider cultural, institutional, and wealth distribution amongst member states in institutions with universal memberships like the HRC than within regional organizations such as the European Union. I discussed in the previous section the ways that the decreased variation in the key indicators would affect the results if the analysis were extended to regional organizations. Because of the differences between the HRC and regional organizations, assessing the effects that states' concerns with reputational costs will have to be measured in a slightly more direct way than they have been here, but the logic should be the same. In fact, it seems reasonable to make the argument that being tried by a regional adjudication body leads to even higher reputational costs than being tried by a body like the HRC. I say this due to the fact that if peer states will decide against each other, this is likely to send a stronger message to the international community than if non-peer states decided against each other.

There is one important difference between the issue area of human rights and others. Decisions over whether to comply with human right regimes more closely resemble what Stein (1983) refers to as dilemmas of common aversions in which actors have a common interest in avoiding a particular outcome (such as punishment), as opposed to a dilemma of common interests in which actors have an interest in ensuring a particular outcome. Issue areas other than human rights, such as trade, the environment, or facilitating development are examples of dilemmas of common interests. For these issue areas, states have the common interests of increasing the quality and decreasing the costs of goods where trade is concerned, decreasing behavior leading to global climate change, or increasing the percentage of the people in the world capable of interacting in the international economy. However, these differences are not entirely important where the effects of reputational costs are concerned. Defection from *any* type of international regime is likely to garner judgment from members of the international community, regardless of the type of dilemma that the regime was created to address. Measuring this judgment and its effects, however, is going to be equally difficult, regardless of the issue area.

Coordination vs. Cooperation

As I have discussed at length in Chapters 1, 2, 3, and 4, the Prisoners' Dilemma is commonly used to model compliance with international regimes. However, due to the difference between the issue area of human rights and all others, the Prisoners' Dilemma does not help us to understand compliance (or the lack thereof) with human rights regimes. The results of this project illustrate that states' levels of compliance with international human rights regimes is based mainly on their efforts to emulate the behavior of their peers and to avoid the risk of international punishment by seeking safety in numbers. With this distinct difference between human rights and other issue areas, how would the coordination measure used in this project apply to state behavior in other issue areas? I submit that the causal mechanism would work in other issue areas in a somewhat different way than it works here.

The results from the analyses in this project illustrate that coordinated action is a function of the fact that states strive to coordinate their human rights behavior in an effort to fly under the radar of the possibility of international punishment. Although I do not explicitly test whether or not states also gain the advantage of avoiding related costs such as lost trade benefits or a decreased number of voting partners in the UN context as a result of *not* coordinating their behavior, this has been done elsewhere (Hafner-Burton, 2005). It is this same mechanism that would be at work where the coordination measure is concerned with other issue areas. This follows the logic of work done by Lipson (1991) and Davis (2004).

For example, many have argued that, in the context of the EU, states with previously questionable human rights records may actually improve their human rights behavior in an effort to gain admission to the European Union and, thus, gain the economic benefits of membership as a result (Baldwin, 1993; Haas, 1998). Another way to look at this is illustrated by the complications that Turkey has been experiencing for past 25 years while trying to gain membership in the EU. Turkey's record with regard to a number of EU principles and norms has been called into question, but it has been alleged somewhat popularly that the EU has used Turkey's human rights record (where Kurds and the conflict with Cyprus are concerned) as an excuse to bar it from membership while Turkey's income inequality catches up to its current levels of growth. The fact that Turkey has not coordinated it human rights behavior with that of the EU has provided continued excuses on the part of EU member states to bar its membership.

We can think about this mechanism at work even where human rights behavior is not concerned. Where the issue area of the environment is concerned, we can look to the example of countries such as China. China's effort throughout the course of the years of talks over global climate change has been focused on affiliating itself with the peer group of LDCs in an effort to lessen its own responsibility to lower its rate of greenhouse gas emissions. By using both rhetoric and actions to

affiliate itself with this peer group, it has managed to escape responsibility with regard to lowering its level of carbon emissions and has surpassed the US as the largest emitter of fossil fuels while experiencing none of the detriments associated with efforts to curb emissions *or* with efforts to continue emitting at the same rate (or higher) than it always has. Although it is certainly true that China is held to no standard of decreasing greenhouse gas emissions in any of the current international environmental agreements and/or negotiations, it has avoided this by a concerted effort to align itself with a group of countries with whom alignment clears it of all responsibilities. This is an excellent example of a state's efforts to emulate the behavior of a chosen peer group in order to avoid the costs associated with defecting from what are now starting to become international norms.

POLICY IMPLICATIONS

The implications of the results for actual policy are rather bleak in that it seems as though there is not much that will be done in order to bring down the overall level of human rights violations. States, it would seem, have all of the power here. Although their decisions are certainly influenced by the responses that they anticipate from the complainants and the international adjudication bodies, they are the actors with the greatest amount of power in these interactions as they are the ones that have control over the continued survival of the adjudication bodies which are the only actors that can work to facilitate efforts by potential complainants to bring cases forward. Without a widespread initiative by states to reform the requirements for cases brought before the adjudicating body or to improve their own human rights behavior in an effort to inspire their peers to do so as well, change in the rate of human rights violations seems unlikely.

However, of the actors involved in the analysis, the complainants are those with the greatest capacity to lower the rate at which countries commit human rights violations, particularly in democratic countries. While we observe that democracies are countries in which cases are most likely to be brought to the international level and that they are also most likely to win these cases and/or see them

deemed inadmissible, it is also the case that many of these countries are the ones least likely to pay reputational costs for their human rights behavior because democracies tend also to be more economically powerful states. These are the states that are the ``first movers'' in the coordination process, bringing less powerful states on board with them and giving these weaker states the power to violate with less probability of detection and/or punishment. This is illustrated by the significance and the strength of the relationship between the power status variable and the dependent variable in Chapter 6. Thus, we might reasonably expect that as countries transition to democracy, they become more likely to have cases brought against them at the international level at the same time as the likelihood that cases will be decided in their favor is likely to remain unchanged. Simply achieving a state of democracy is unlikely to result in an increased power status, making these countries more susceptible to punishment at the hands of the international adjudication bodies before which complainants are bringing cases against them.

Although it seems yet too early to tell, my suspicion is that this is how things will play out with the ongoing Arab Spring. Due to the increased and, in some cases, egregious human rights violations that some governments chose to exercise against their citizens while these movements were in full swing along with the number of transitions toward more democratic methods of governance, I would predict that in the coming years, once domestic steps have been exhausted, we will begin to see cases brought against these governments at the international level. At this point, even as already powerful countries may still have incentives to commit human rights violations, the number of other countries that have such incentives will begin to diminish because these countries will find themselves with less ability than their economically powerful counterparts to pay the material and/or reputational costs of punishment. Ultimately, this will mean that the percentage of peers committing human rights violations in a given country-year should diminish over time and that, as a result, we may eventually reach a point where there are no longer enough states behaving badly to hide one another. We can only hope, after

looking at the high rate at which violations occur and the low rate at which they are punished, that the trends move in this direction. In the world's anarchic state international adjudication bodies and complainants can, at most, hope to alter the incentive structure for states considering committing violation. It is, ultimately the states that must police themselves and each other if prevention of violations is the goal.

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APPENDIX A

COORDINATING ON VIOLATION EQUILIBRIUM

Proof of Proposition 1. Both A and D are confronted with a decision of whether or not to violate human rights in the game. We start by holding the strategies of the other two players constant. If D violates human rights and the Committee issues a judgment, A receives q(-j/n) + (1 - q)1 in exchange for its violation and it receives 0 if it does not commit human rights violations. In order for A to prefer coordinating its violations with D, it must be the case that q(-j/n) + (1 - q)1 ≥0. A prefers to violate here when n>0 and when q ≤ $\frac{n}{j+n}$, meaning that their must be at least one other violator in order for A to violate. The same conditions stand for D's decision to commit human rights violations.

The question that remains, however, is concerned with whether A will violate alone. If D chooses not to violate and the Committee issues a judgment, A receives q(-j/n) + (1 - q)1 for violating and 0 for abstaining from violations (as above). Again, in order for A to prefer to violate here, it must be the case that q(-j/n) + (1 - q)1 ≥0. The circumstances that must be met here in order for A to violate are the same as above. Because the number for violators, n, must be greater than 0 in order for A to violate under these circumstances, it becomes clear that A would need a third state to violate in order for it to choose violation here.

Up to this point, we have looked at A's decision to violate holding the Committee's strategy of issuing a judgment constant. If the Committee does not issue a judgment, A receives 1 for violating human rights and 0 for not violating, regardless of whether D violates human rights or not. Thus, by definition, when the Committee will not issue a judgment, A strictly prefers to commit violations.

Proof of Proposition 2. When the Committee will not issue a judgment, A or D will *always* prefer to violate human rights. Proposition 1 illustrates that in order for A or D to violate when the Committee *will* issue a judgment, it must be the case that n>0. However, as stated above, it must also be the case

that q $\leq\{\frac{n}{j+n}\}$ in order for A or D to violate if the Committee chooses to issue a judgment. This condition is most easily met when the cost of the judgment, j, is low and the number of violators, n, is sufficiently high. Thus, the Coordinating on Violations Equilibria becomes increasingly likely as the number of violators increases. Not only does this help to meet the condition that n>0, but it also help to meet the condition for the probability of capture, q, in that it inflates the value under which q must fall. The number of violators must be large in its own right, but it also must be large in order to deflect the amount of the judgment that any one violator must pay.

Proof of Proposition 3. Proposition 3 sets a cutpoint for the cost of issuing a judgment, k. If both A and D commit violations, the Committee receives q[n(r - k)] + [(1 - q)(-n k)] for issuing a judgment and -nR if it chooses not to issue a judgment. In order for the Committee to prefer to issue a judgment it must be the case that q[n(r - k)] + [(1 - q)(-n k)] ≥-nR. The Committee's payoffs are the same if there is only one violator (A *or* D), so the same condition must be met here. If any violations occur, the Committee will prefer to issue a judgment when k < qr + R. This condition is most easily met when the associated reputational effects and the probability of capture are large. Thus, when a violation occurs, the Court is most likely to issue a judgment for high profile cases and/or cases where the probability of capture is large. This can be attributed to the Committee's desire to continue to appear to be legitimate in the international community.

COMPLIANCE EQUILIBRIUM

Proof of Proposition 4. Proposition 4 simply states that when the conditions for n and q, which are proven above for Propositions 1 and 2 are not met, A and D will choose not to violate human rights. Thus, if no violations are occurring and/or if the probability of capture is sufficiently high, the utility of violating does not outweigh the costs of doing so.

APPENDIX B

Country	Violation Year	Communication Year	Admissibility Year	Decision Year	Decision	Notes
Zaire	1980	1983	1985	1986	2	
Uruguay	1983	1983	1984	1986	2	
Venezuela	1977	1983	1984	1986	2	
Zaire	1979	1983	1985	1986	2	
Canada	1967	1981	1986	.	0	
Canada	1977	1982	1986	.	0	
Jamaica	1983	1984	1986	.	0	
Finland	1983	1984	1985	.	0	
France	1979	1984	1986	.	0	
Madagascar	1982	1983	1985	1987	2	
Netherlands	1980	1984	1985	1987	2	
Netherlands	1981	1984	1985	1987	1	
Netherlands	1979	1984	1985	1987	2	
Uruguay	1985	1985	1987	1987	1	
Canada	1982	1985	1987	.	0	
Netherlands	1983	1986	1987	.	0	
Netherlands	1980	1986	1987	.	0	
Uruguay	1973	1983	1985	1987	2	
Colombia	1981	1983	1985	1987	2	
Bolivia	1983	1984	1985	1987	2	
Dominican Republic	1984	1984	1986	1987	2	
Sweden	1984	1985	1987	1988	1	
Zaire	1985	1985	1986	1987	2	
Sweden	1985	1985	1987	1988	1	
Netherlands	1975	1985	1987	1988	1	
Italy	1981	1986	1987	.	0	
Netherlands	1984	1986	1988	.	0	
Norway	1987	1987	1988	.	0	
Jamaica	1974	1987	1988	.	0	
France	1985	1987	1988	.	0	
Canada	1982	1987	1988	.	0	
France	1987	1987	1987	.	0	
Netherlands	1987	1987	1987	.	0	
Jamaica	1984	1987	1988	1988	0	
Jamaica	1979	1987	1988	1988	0	
Netherlands	1986	1987	1988	.	0	
Jamaica	1985	1988	1988	1988	1	
Jamaica	1988	1988	1988	1988	0	
Uruguay	1985	1983	1985	1988	2	

France	1982	1985	1987	1989	2
Peru	1980	1986	1987	1988	2
Peru	1978	1986	1987	1988	2
France	1979	1986	1987	1989	1
Jamaica	1979	1986	1988	1989	0
Netherlands	1979	1989	1988	1989	1
Jamaica	1981	1987	1989	1989	2
Ecuador	1982	1987	1988	1989	2
Finland	1987	1987	1988	1989	2
Netherlands	1983	1984	1988	.	0
Netherlands	1982	1986	1989	.	0
Jamaica	1985	1987	1989	.	0
France	1987	1987	1989	.	0
Italy	1987	1987	1989	.	0
Netherlands	1983	1988	1989	.	0
Costa Rica	1987	1988	1989	.	0
Finland	1987	1988	1989	.	0
Finland	1987	1988	1989	.	0
France	1985	1988	1988	.	0
Canada	1988	1988	1989	.	0
Trinidad and Tobago	1988	1989	1989	.	0
Trinidad and Tobago	1989	1989	1989	.	0
Canada	1980	1984	1987	1990	1
Colombia	1982	1984	1988	1989	2
Dominican Republic	1985	1985	1988	1990	2
Colombia	1984	1985	1988	1990	2
Canada	1978	1986	1988	1989	1
Netherlands	1983	1986	1988	1990	1
France	1984	1986	1989	1990	1
Trinidad and Tobago	1982	1987	1989	1990	2
Zaire	1986	1987	1988	1989	2
Jamaica	1985	1987	1989	1990	2
Finland	1987	1988	1989	1990	2
Finland	1986	1988	1989	1990	1
Netherlands	1983	1988	1989	1990	2
France	1984	1987	1989	.	0
France	1987	1987	1989	.	0
Colombia	1987	1987	1989	.	0
Jamaica	1987	1987	1990	.	0
Jamaica	1981	1987	1989	.	0
Jamaica	1984	1987	1990	.	0
Jamaica	1983	1987	1990	.	0
Jamaica	1984	1987	1990	.	0

Trinidad and Tobago	1987	1987	1989	.	0
Argentina	1984	1988	1990	.	0
Jamaica	1985	1988	1990	.	0
Jamaica	1984	1988	1989	.	0
Jamaica	1984	1988	1989	.	0
Netherlands	1984	1988	1989	.	0
Netherlands	1983	1988	1990	.	0
Colombia	1988	1988	1990	.	0
Jamaica	1985	1988	1990	.	0
Argentina	1987	1988	1990	.	0
Jamaica	1984	1989	1989	.	0
Italy	1988	1988	1990	.	0
Finland	1988	1989	1990	.	0
France	1985	1987	1989	1991	1
Jamaica	1983	1987	1988	1991	1
Jamaica	1983	1987	1989	1991	1
Jamaica	1981	1987	1989	1991	2
Sweden	1988	1988	1989	1990	1
France	1988	1988	1989	1991	1
Jamaica	1985	1987	1991	.	0
Jamaica	1987	1987	1990	.	0
Trinidad and Tobago	1983	1987	1990	.	0
Jamaica	1979	1988	1990	.	0
Jamaica	1986	1988	1991	.	0
Spain	1984	1988	1991	.	0
Jamaica	1983	1988	1991	.	0
Jamaica	1984	1988	1990	.	0
Finland	1984	1988	1991	.	0
Canada	1979	1988	1991	.	0
Mauritius	1981	1989	1990	.	0
Netherlands	1984	1989	1990	.	0
Hungary	1986	1989	1990	.	0
France	1984	1989	1990	.	0
Italy	1989	1990	1990	.	0
Finland	1989	1990	1990	.	0
Canada	1991	1986	1990	1991	1
Jamaica	1984	1987	1990	1991	2
Jamaica	1983	1987	1988	1991	2
Jamaica	1984	1987	1989	1992	2
Jamaica	1983	1987	1989	1992	1
Jamaica	1978	1988	1989	1992	2
Jamaica	1985	1988	1989	1992	2
Jamaica	1980	1988	1989	1992	1

Ecuador	1986	1988	1990	1992	2
Jamaica	1984	1988	1989	1991	2
Panama	1984	1988	1989	1992	2
Jamaica	1987	1988	1989	1992	1
Ecuador	1987	1988	1990	1991	2
Bolivia	1987	1988	1991	1991	2
Jamaica	1983	1989	1990	1992	2
Netherlands	1987	1990	1991	1992	1
Hungary	1986	1990	1991	1992	2
Austria	1984	1990	1991	1992	2
Jamaica	1986	1987	1991	.	0
Colombia	1987	1988	1991	.	0
Trinidad and Tobago	1982	1988	1991	.	0
Jamaica	1987	1988	1992	.	0
Jamaica	1985	1988	1992	.	0
France	1987	1988	1991	.	0
France	1987	1989	1991	.	0
Jamaica	1983	1989	1992	.	0
Canada	1985	1989	1991	.	0
France	1983	1989	1992	.	0
Canada	1987	1989	1991	.	0
Netherlands	1980	1988	1992	.	0
Jamaica	1981	1989	1992	.	0
Jamaica	1987	1989	1992	.	0
France	1986	1990	1992	.	0
Netherlands	1985	1990	1992	.	0
Netherlands	1985	1990	1992	.	0
Denmark	1988	1990	1992	.	0
Finland	1984	1990	1992	.	0
Netherlands	1987	1990	1991	.	0
Netherlands	1987	1990	1991	.	0
Jamaica	1980	1990	1992	.	0
Netherlands	1988	1989	1992	.	0
France	1990	1990	1991	.	0
Canada	1988	1991	1991	.	0
Netherlands	1985	1990	1991	.	0
Libya	1989	1991	1991	.	0
Zaire	1990	1991	1991	.	0
Netherlands	1985	1991	1992	.	0
Canada	1991	1992	1992	.	0
Australia	1986	1991	1992	.	0
Jamaica	1988	1988	1990	1993	2
Uruguay		1988	1992	1994	2

Nicaragua	1980	1988	1992	1994	2
Jamaica	1985	1988	1992	1994	2
Jamaica	1983	1988	1992	1994	1
Jamaica	1983	1988	1992	1994	2
Jamaica	1981	1989	1990	1993	1
Jamaica	1986	1988	1992	1994	2
Jamaica	1980	1989	1992	1994	2
Zaire	1989	1989	1992	1993	2
Jamaica	1986	1989	1990	1993	1
Jamaica	1978	1989	1992	1994	2
Jamaica	1988	1990	1992	1994	2
Finland	1987	1990	1992	1994	2
Equatorial Guinea	1988	1990	1992	1994	2
Spain	1990	1990	1992	1994	1
Netherlands	1987	1990	1992	1993	1
Netherlands	1986	1990	1993	1994	1
Central African Republic	1989	1990	1992	1994	2
Libya	1989	1990	1992	1994	2
France	1989	1990	1993	1994	1
Jamaica	1979	1991	1993	1994	2
Dominican Republic	1990	1990	1993	1994	2
Norway	1987	1990	1993	1994	1
Canada	1988	1991	1993	1994	2
Sweden	1984	1991	1993	1994	1
Cameroon	1988	1991	1992	1994	2
Equatorial Guinea	1987	1991	1992	1993	2
Canada	1991	1991	1993	1993	2
Netherlands	1989	1991	1993	1994	1
Australia	1988	1991	1992	1994	2
Finland	1990	1991	1992	1994	1
Trinidad and Tobago	1980	1989	1993	.	0
France	1988	1990	1994	.	0
Finland	1990	1990	1994	.	0
Spain	1989	1990	1994	.	0
Panama	1990	1990	1994	.	0
France	1987	1990	1994	.	0
Trinidad and Tobago	1981	1991	1994	.	0
New Zealand	1988	1991	1994	.	0
Trinidad and Tobago	1986	1991	1994	.	0
Netherlands	1985	1991	1994	.	0
Uruguay	1990	1991	1994	.	0
Barbados	1985	1992	1994	.	0
Zaire	1988	1991	1994	.	0

Czech Republic	1986	1991	1994	.	0
Barbados	1987	1992	1994	.	0
Barbados	1986	1992	1994	.	0
Netherlands	1987	1992	1993	.	0
Netherlands	1984	1992	1993	.	0
Jamaica	1988	1992	1994	.	0
Hungary	1983	1992	1994	.	0
Netherlands	1986	1992	1993	.	0
Netherlands	1988	1992	1993	.	0
Canada	1986	1993	1993	.	0
Finland	1981	1993	1993	.	0
Netherlands	1987	1993	1993	.	0
Canada	1990	1993	1994	.	0
Italy	1993	1993	1994	.	0
Mauritius	1987	1993	1994	.	0
Germany	1985	1993	1994	.	0
Canada	1990	1993	1994	.	0
Senegal	1982	1989	1991	1994	2
Argentina	1989	1990	1992	1995	2
Trinidad and Tobago	1987	1989	1994	1995	2
Netherlands	1988	1991	1993	1994	2
Jamaica	1988	1991	1994	1995	2
Panama	1990	1991	1993	1995	2
Spain	1991	1992	1993	1995	2
Netherlands	1990	1992	1993	1995	1
Finland	1992	1992	1993	1994	1
Colombia	1989	1992	1994	1995	2
Czech Republic	1991	1991	1994	1995	2
South Korea	1991	1992	1994	1995	2
Canada	1991	1993	1993	1994	1
Jamaica	1981	1994	1992	1995	2
Panama	1990	1990	1994	.	0
Panama	1990	1990	1994	.	0
Panama	1985	1991	1994	.	0
Jamaica	1980	1992	1995	.	0
Trinidad and Tobago	1988	1992	1995	.	0
France	1991	1992	1995	.	0
Australia	1985	1993	1995	.	0
Jamaica	1988	1993	1995	.	0
Trinidad and Tobago	1983	1993	1995	.	0
Trinidad and Tobago	1989	1994	1995	.	0
Netherlands	1988	1994	1995	.	0
Netherlands	1993	1994	1995	.	0

Jamaica	1984	1989	1994	1995	2
Zambia	1983	1990	1994	1995	2
Togo	1985	1990	1994	1996	2
Trinidad and Tobago	1986	1990	1994	1995	2
Spain	1989	1990	1994	1995	1
Jamaica	1983	1991	1994	1995	2
Jamaica	1986	1991	1994	1996	2
Ecuador	1991	1991	1995	1996	2
Togo	1986	1991	1994	1996	2
Trinidad and Tobago	1992	1992	1994	1996	2
Jamaica	1987	1992	1994	1995	1
Hungary	1989	1992	1994	1996	2
Trinidad and Tobago	1988	1992	1995	1996	2
Jamaica	1986	1992	1995	1996	2
Jamaica	1988	1993	1995	1996	2
Peru	1992	1992	1994	1996	2
Zaire	1993	1993	1995	1996	2
Jamaica	1988	1993	1995	1996	2
Colombia	1987	1993	1994	1995	2
Hungary	1991	1993	1995	1996	1
Jamaica	1980	1993	1995	1996	2
Czech Republic	1991	1994	1995	1996	2
Jamaica	1983	1994	1996	1996	2
Jamaica	1989	1994	1996	1996	1
Jamaica	1988	1994	1995	1995	2
Jamaica	1988	1994	1996	1996	2
Jamaica	1989	1994	1996	1996	2
Jamaica	1988	1994	1996	1996	2
Jamaica	1988	1994	1996	1996	1
France	1989	1991	1995	.	0
Australia	1991	1993	1996	.	0
Canada	1991	1993	1995	.	0
France	1987	1993	1996	.	0
Austria	1992	1994	1996	.	0
Canada	1990	1993	1995	.	0
France	1995	1995	1996	.	0
Spain	1991	1994	1996	.	0
Netherlands	1991	1994	1995	.	0
Netherlands	1991	1995	1995	.	0
Netherlands	1991	1995	1996	.	0
Ecuador	1989	1991	1995	1997	2
Spain	1985	1992	1995	1997	2
Jamaica	1983	1992	1995	1997	2

Jamaica	1984	1993	1995	1997	2
Trinidad and Tobago	1986	1992	1995	1997	2
Jamaica	1983	1993	1995	1997	2
Canada	1990	1993	1994	1996	1
France	1992	1993	1995	1997	2
France	1990	1993	1995	1996	1
Poland	1990	1993	1995	1997	1
Canada	1985	1993	1994	1995	1
Australia	1989	1993	1995	1997	2
Jamaica	1987	1993	1995	1997	2
Jamaica	1984	1993	1995	1996	2
Jamaica	1983	1994	1995	1997	2
Jamaica	1991	1994	1996	1996	2
Colombia	1990	1994	1996	1997	2
Jamaica	1982	1995	1997	1997	2
Finland	1995	1995	1996	1996	1
Australia	1994	1996	1997	1997	2
Jamaica	1994	1996	1997	1997	2
Jamaica	1992	1996	1997	1997	2
Jamaica	1994	1996	1997	1997	2
Jamaica	1992	1996	1997	1997	2
Australia	1989	1993	1997	.	0
Ireland	1989	1994	1996	.	0
New Zealand	1987	1994	1997	.	0
Canada	1992	1994	1997	.	0
Canada	1992	1994	1997	.	0
New Zealand	1990	1995	1997	.	0
Slovakia	1991	1994	1997	.	0
Canada	1993	1994	1997	.	0
Netherlands	1991	1994	1997	.	0
Australia	1992	1994	1996	.	0
France	1990	1995	1997	.	0
Iceland	1992	1995	1996	.	0
Austria	1992	1995	1997	.	0
Spain	1991	1995	1997	.	0
Australia	1994	1995	1996	.	0
Germany	1989	1996	1997	.	0
Spain	1991	1996	1997	.	0
Canada	1986	1995	1997	.	0
Jamaica	1985	1992	1995	1997	2
Trinidad and Tobago	1993	1993	1995	1997	2
Trinidad and Tobago	1993	1993	1995	1997	1
Jamaica	1987	1993	1995	1998	2

Trinidad and Tobago	1991	1993	1995	1998	2
Peru	1992	1993	1996	1997	2
Jamaica	1984	1995	1995	1998	2
Jamaica	1986	1993	1994	1998	2
Jamaica	1988	1994	1997	1997	2
Jamaica	1990	1995	1997	1997	2
Jamaica	1988	1995	1995	1998	2
Jamaica	1989	1994	1996	1998	2
Georgia	1993	1994	1996	1998	2
Jamaica	1988	1995	1996	1998	2
Latvia	1993	1995	1996	1998	1
Netherlands	1989	1994	1996	1998	1
Trinidad and Tobago	1992	1995	1996	1998	2
Guyana	1988	1996	1997	1998	2
Jamaica	1992	1996	1998	1998	2
Jamaica	1992	1996	1998	1998	2
Australia	1993	1996	1997	1997	1
Jamaica	1995	1996	1996	1998	2
Jamaica	1994	1995	1998	1998	2
Jamaica	1996	1997	1998	1998	2
Jamaica	1993	1997	1998	1998	2
Jamaica	1991	1997	1998	1998	2
Trinidad and Tobago	1994	1998	1998	1998	1
Jamaica	1988	1997	1998	.	0
Hungary	1994	1996	1996	.	0
Jamaica	1990	1994	1998	.	0
South Korea	1989	1993	1996	1998	2
Jamaica	1987	1994	1996	1999	2
Jamaica	1987	1994	1996	1998	2
Trinidad and Tobago	1988	1994	1996	1998	2
Netherlands	1991	1994	1996	1998	1
Jamaica	1986	1994	1998	1998	2
Jamaica	1988	1995	1996	1999	2
Jamaica	1990	1995	1996	1999	2
Jamaica	1990	1995	1997	1999	2
Jamaica	1990	1995	1998	1998	2
South Korea	1989	1994	1996	1998	2
Canada	1982	1994	1997	1999	2
South Korea	1992	1995	1997	1999	1
Jamaica	1983	1994	1998	1998	2
Jamaica	1984	1994	1998	1998	2
Jamaica	1985	1995	1998	1998	2
Jamaica	1988	1993	1999	1999	2

Jamaica	1984	1994	1998	1998	2
Jamaica	1985	1995	1998	1999	2
Jamaica	1982	1995	1999	1999	2
Jamaica	1987	1995	1999	1999	2
Italy	1988	1999	1999	1999	2
Jamaica	1979	1996	1999	1999	2
Jamaica	1990	1995	1999	1999	1
Austria	1991	1996	1997	1999	2
Jamaica	1992	1996	1998	1998	2
Jamaica	1992	1995	1998	1998	2
Jamaica	1989	1996	1999	1999	1
Jamaica	1990	1996	1998	1998	2
Trinidad and Tobago	1988	1996	1998	1998	1
New Zealand	1983	1996	1999	1999	1
Zambia	1982	1997	1999	1999	2
Jamaica	1991	1997	1999	1999	2
Netherlands	1995	1996	1999	1999	2
Jamaica	1995	1997	1999	1999	2
Jamaica	1987	1995	1999	.	0
Australia	1988	1995	1998	.	0
Czech Republic	1993	1995	1998	.	0
Trinidad and Tobago	1989	1994	1999	.	0
Netherlands	1995	1995	1999	.	0
Chile	1993	1996	1999	.	0
Chile	1994	1996	1999	.	0
Czech Republic	1994	1996	1999	.	0
Australia	1992	1995	1999	.	0
Venezuela	1989	1997	1999	.	0
Chile	1995	1996	1999	.	0
Canada	1980	1996	1999	.	0
Canada	1995	1996	1999	.	0
Croatia	1991	1996	1999	.	0
Chile	1993	1996	1999	.	0
Australia	1991	1995	1999	.	0
Russia	1993	1997	1999	.	0
Trinidad and Tobago	1996	1998	1999	.	0
Netherlands	1991	1997	1999	.	0
Bulgaria	1992	1996	1999	.	0
Finland	1990	1996	1999	.	0
Jamaica	1985	1995	1999	2000	2
Norway	1984	1994	1997	1999	2
France	1989	1995	1997	1999	2
Netherlands	1991	1995	1997	1999	1

Peru	1985	1995	1998	2000	2
France	1992	1995	1997	2000	2
France	1991	1995	1997	2000	2
Canada	1985	1996	1999	1999	2
Spain	1993	1995	1998	2000	2
Angola	1991	1996	1998	2000	2
Jamaica	1991	1996	2000	2000	2
Jamaica	1994	1997	2000	2000	2
Namibia	1989	1996	1998	2000	2
Norway	1982	1996	1998	2000	1
Russia	1989	1996	2000	2000	2
Belarus	1997	1997	2000	2000	2
Norway	1993	1996	1999	1999	1
Sweden	1993	1996	1999	.	0
France	1989	1996	2000	.	0
Australia	1994	1996	2000	.	0
Spain	1990	1996	1999	.	0
Netherlands	1994	1996	2000	.	0
Czech Republic	1991	1997	2000	.	0
Canada	1985	1997	1999	.	0
Bulgaria	1993	1997	2000	.	0
France	1991	1997	1999	.	0
Netherlands	1991	1998	1999	.	0
Netherlands	1993	1997	1999	.	0
Norway	1995	1999	2000	.	0
Netherlands	1995	1999	1999	.	0
New Zealand	1990	1997	2000	.	0
Canada	1993	1999	2000	.	0
Canada	1995	1999	2000	.	0